



House of Representatives

General Assembly

File No. 462

January Session, 2021

Substitute House Bill No. 6377

House of Representatives, April 15, 2021

The Committee on Labor and Public Employees reported through REP. PORTER of the 94th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING LABOR PEACE AGREEMENTS AND A MODERN AND EQUITABLE CANNABIS WORKFORCE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) As used in this section and
2 sections 2 to 33, inclusive, of this act, sections 36 and 37 of this act,
3 sections 47 to 50, inclusive, of this act, and sections 54 to 59, inclusive, of
4 this act, unless the context otherwise requires:

5 (1) "Cannabis" means cannabis type substances, as defined in section
6 21a-240 of the general statutes;

7 (2) "Consumer" means an individual who is twenty-one years of age
8 or older;

9 (3) "Cultivation" has the same meaning as provided in section 21a-
10 408 of the general statutes;

11 (4) "Distribute" has the same meaning as provided in section 21a-240

12 of the general statutes;

13 (5) "Laboratory" means a laboratory located in the state that is
14 licensed to provide analysis of controlled substances pursuant to
15 sections 21a-246 and 21a-408r of the general statutes;

16 (6) "Cannabis concentrate" includes tinctures and extracts;

17 (7) "Cannabis cultivation facility" means a facility licensed to
18 cultivate, prepare and package cannabis and sell cannabis to cannabis
19 product manufacturing facilities, cannabis retailers and other cannabis
20 cultivation facilities;

21 (8) "Cannabis establishment" or "cannabis business" means any
22 cannabis business licensed or seeking licensure by the Cannabis Control
23 Commission under section 13 of this act;

24 (9) "Cannabis lounge" means a type of social consumption
25 establishment approved for the exclusive or principal purpose of selling
26 cannabis or cannabis products for consumption on the premises, except
27 by smoking;

28 (10) "Cannabis product" means a cannabis concentrate or a product
29 that is comprised of cannabis or cannabis concentrates and other
30 ingredients and is intended for use or consumption;

31 (11) "Cannabis product manufacturing facility" means a facility
32 licensed to purchase cannabis, manufacture, prepare and package
33 cannabis products and sell cannabis and cannabis products to cannabis
34 product manufacturing facilities and cannabis retailers;

35 (12) "Cannabis retailer" means a person licensed (A) to purchase
36 cannabis from cannabis cultivation facilities, (B) to purchase cannabis
37 and cannabis products from cannabis product manufacturing facilities,
38 and (C) to sell cannabis and cannabis products to consumers;

39 (13) "Cannabis microbusiness" means a vertically integrated cannabis
40 business that does not have more than ten thousand total square feet of

41 space dedicated to the cultivation of cannabis plants or the manufacture
42 of cannabis products and that is (A) licensed to cultivate, process and
43 distribute cannabis and cannabis products to cannabis retailers and to
44 deliver its own cannabis or cannabis products directly to consumers
45 pursuant to a single license, and (B) eligible for approval as a social
46 consumption establishment;

47 (14) "Bona fide labor organization" means a labor union (A) that
48 represents employees in this state with regard to wages, hours and
49 working conditions, (B) whose officers have been elected by a secret
50 ballot or otherwise in a manner consistent with federal law, (C) that is
51 free of domination or interference by any employer, (D) that has
52 received no improper assistance or support from any employer, and (E)
53 that is actively seeking to represent cannabis workers in this state;

54 (15) "Equity" and "equitable" mean or refer to efforts, regulations,
55 policies, programs, standards, processes and any other functions of
56 government or principles of law and governance intended to: (A)
57 Identify and remedy past and present patterns of discrimination and
58 disparities of race, ethnicity, gender and sexual orientation; (B) ensure
59 that such patterns of discrimination and disparities, whether intentional
60 or unintentional, are neither reinforced nor perpetuated; and (C)
61 prevent the emergence and persistence of foreseeable future patterns of
62 discrimination or disparities of race, ethnicity, gender and sexual
63 orientation;

64 (16) "Equity applicant" means an applicant for a license issued by the
65 Cannabis Control Commission who shall have priority eligibility for
66 licensure based on criteria and qualifications established pursuant to
67 section 13 of this act;

68 (17) "Labor peace agreement" means an agreement between a
69 cannabis establishment and a bona fide labor organization that protects
70 the state's interests by, at a minimum, prohibiting the labor organization
71 from engaging in picketing, work stoppages or boycotts against the
72 cannabis establishment;

73 (18) "Social consumption establishment" means a facility or venue or
74 a dedicated part of a facility or venue that is (A) approved to sell
75 cannabis or cannabis products to consumers for consumption on the
76 premises of the facility or venue, except by smoking, or (B) approved to
77 allow consumers to bring cannabis or cannabis products to the premises
78 of the facility or venue for the exclusive purpose of personal
79 consumption on the premises of the facility or venue, except by
80 smoking, without the intent to sell, distribute for compensation of any
81 kind or engage in any other manner of commercial transaction involving
82 cannabis or cannabis products; and

83 (19) "Cannabis Control Commission" means the commission
84 established pursuant to section 8 of this act.

85 Sec. 2. (NEW) (*Effective from passage*) (a) The sum of five million
86 dollars is appropriated to the Department of Economic and Community
87 Development from the General Fund, for each fiscal year ending June
88 30, 2022, to June 30, 2026, inclusive, for the following purposes:

89 (1) To provide grants-in-aid to create, support and deliver workforce
90 training, education and other programs that prepare individuals with
91 an adverse criminal history related to cannabis and who reside in the
92 state or on tribal lands within the state to participate in the lawful
93 cannabis business sector and in secondary industries that directly
94 support such sector. The grants-in-aid provided pursuant to this section
95 may be directed toward workforce training providers, educational
96 institutions, economic development and human services agencies, labor
97 unions, private employers, not-for-profit community organizations,
98 not-for-profit economic development organizations, local governments
99 and other public and private entities as identified by the Department of
100 Economic and Community Development, in consultation with the
101 Labor Department, the Black and Puerto Rican Caucus of the General
102 Assembly, the Governor's Workforce Council, the Cannabis Control
103 Commission and the Office of Justice Reinvestment established
104 pursuant to section 18 of this act.

105 (2) To provide grants-in-aid or low-interest loans in support of equity

106 among new small cannabis businesses operating in the state or on tribal
107 lands within the state and that commit to engaging in substantial
108 workforce development, apprenticeships or on-the-job training and
109 education, in ways generally consistent with the provisions of
110 subdivision (1) of this subsection for individuals with an adverse
111 criminal history related to cannabis.

112 (3) To provide grants-in-aid and loans to municipalities, community
113 development corporations and other public or private entities for the
114 purpose of rehabilitating disused or abandoned industrial and
115 commercial facilities and remediating brownfields, provided such
116 facilities and remediated areas are reserved for the use of cannabis
117 equity applicants and licensees, pursuant to section 13 of this act and
118 any regulations adopted pursuant to said section, and to support
119 environmental justice in communities of color and low-income
120 communities.

121 (4) To support the administration of such grants-in-aid, which may
122 include the hiring of additional staff, contracting with vendors,
123 engaging in public outreach and education and the funding of any other
124 measures that the Commissioner of Economic and Community
125 Development deems necessary to ensure that grants and loans issued
126 pursuant to this section are provided in an equitable manner and are
127 spent in compliance with regulations adopted pursuant to this section.

128 (b) The Commissioner of Economic and Community Development
129 shall adopt regulations, in accordance with the provisions of chapter 54
130 of the general statutes, and shall issue guidance and create such forms
131 and procedures as the commissioner deems reasonable and necessary to
132 ensure that grants-in-aid funded pursuant to the provisions of this
133 section are distributed in an equitable manner and are used in a cost-
134 effective manner for their intended purpose.

135 (c) For five consecutive years, beginning with the fiscal year ending
136 June 30, 2022, funds disbursed under subsection (a) of this section shall
137 be disbursed exclusively to individuals, organizations or public
138 municipal entities that are located in any one or more of the following

139 twelve municipalities: Hartford, New Haven, Bridgeport, Waterbury,
140 New London, Windham, New Britain, Bloomfield, Norwalk,
141 Torrington, Ansonia and Derby.

142 (d) After the five-year exclusivity period under subsection (c) of this
143 section, funds may be disbursed in accordance with the provisions of
144 subsection (a) of this section to individuals, organizations or municipal
145 entities in any municipality, including any municipality set forth in
146 subsection (c) of this section.

147 Sec. 3. (NEW) (*Effective from passage*) (a) On and after one year after
148 the effective date of this section, in order for the state to relieve
149 employees, job seekers, employers and businesses of the unjustified
150 stigmatization of cannabis and to further support the establishment of a
151 modernized and equitable cannabis business sector, the following
152 nondiscrimination and antiretaliation protections shall apply to all
153 employers:

154 (1) No employer may implement a policy prohibiting the possession,
155 use or other consumption of cannabis in the course of employment by
156 an employee unless such policy is: (A) In writing, (B) equally applicable
157 to each employee, (C) made available to each employee prior to the
158 enactment of such policy, and (D) directly related to a clear business
159 necessity. The employer shall provide any such written policy to each
160 prospective employee at the time the employer makes an offer of
161 employment to the prospective employee.

162 (2) No employer or agent of any employer shall require, as a
163 condition of employment, that any employee or prospective employee
164 refrain from using cannabis outside the course of his or her
165 employment, or otherwise discriminate against any employee with
166 respect to compensation, terms, conditions or privileges of employment
167 for using cannabis outside the course of his or her employment.

168 (3) No employer or agent of any employer shall discriminate against
169 any employee or prospective employee on the basis of his or her prior,
170 current or future involvement in lawful cannabis commerce in this state

171 or in any other state, territory, district, tribal land or other jurisdiction.

172 (4) No employer or agent of any employer shall retaliate against any
173 employee or prospective employee for alleging a violation of any part
174 of this section or assisting in any investigation of an alleged violation of
175 any part of this section, or for assisting another employee or prospective
176 employee in seeking to redress an alleged violation of any part of this
177 section.

178 (b) The provisions of this section shall not apply to any position or
179 condition of employment governed by federal law or regulation that
180 preempts any provision of this section with regard to an employee's
181 possession, use or other consumption of cannabis or involvement in
182 lawful cannabis commerce.

183 (c) If an employer has violated any provision of this section and is not
184 otherwise exempted by subsection (b) of this section or other
185 superseding provision of state, federal or tribal law, an individual
186 aggrieved by such violation may bring a civil action for compensatory
187 damages and judicial enforcement of such provision in the superior
188 court for the judicial district where the violation is alleged to have
189 occurred or where the employer has its principal office. Any such
190 individual who prevails in such civil action shall be awarded reasonable
191 attorney's fees and costs.

192 Sec. 4. (NEW) (*Effective from passage*) There is established a cannabis
193 equity task force whose purpose shall be to study, make findings of fact
194 for and issue recommendations to the General Assembly and the
195 Governor regarding equity, as such findings and recommendations are
196 relevant to the establishment and regulation of cannabis cultivation,
197 manufacture and sale as a lawful and modern business sector in the
198 state. The task force shall be composed of seven commissioners, four of
199 whom shall be appointed by the Black and Puerto Rican Caucus of the
200 General Assembly, one of whom shall be the Labor Commissioner, or
201 the commissioner's designee, one of whom shall be the Commissioner
202 of Consumer Protection, or the commissioner's designee, and one of
203 whom shall be the Commissioner of Economic and Community

204 Development, or the commissioner's designee. The task force shall elect
205 a chairperson from among its commissioners. Except for the Labor
206 Commissioner and the Commissioners of Consumer Protection and
207 Economic and Community Development, any commissioner may be
208 removed by such commissioner's appointing authority at any time and
209 a replacement shall be appointed not later than fourteen days after the
210 date of such commissioner's removal. No commissioner appointed by
211 the Black and Puerto Rican Caucus of the General Assembly may have
212 any present or pending financial or managerial interest in any cannabis
213 establishment or other cannabis business in this state and shall have
214 entirely divested themselves of any financial or managerial interest such
215 person had in any cannabis establishment or other cannabis business in
216 this state not less than fourteen days prior to accepting an appointment
217 as a commissioner. The equity task force shall establish such rules for
218 the task force's meetings and governance as the task force deems
219 reasonable and necessary to carry out the purpose described in this
220 section and sections 5 and 6 of this act, provided a quorum of not less
221 than four commissioners shall be required to be present for any binding
222 vote of the task force.

223 Sec. 5. (NEW) (*Effective from passage*) Not later than one year after the
224 appointment of the seventh commissioner to the cannabis equity task
225 force pursuant to section 4 of this act, said task force shall issue a written
226 report, in accordance with the provisions of section 11-4a of the general
227 statutes, to the General Assembly and the Governor, with detailed
228 findings of fact regarding the following matters in the state:

229 (1) Historical and present-day social, economic and familial
230 consequences of cannabis prohibition, the criminalization and
231 stigmatization of cannabis use and related public policies;

232 (2) Historical and present-day structures, patterns, causes and
233 consequences of intentional and unintentional racial discrimination and
234 racial disparities in the development, application and enforcement of
235 cannabis prohibition and related public policies;

236 (3) Foreseeable long-term social, economic and familial consequences

237 of unremedied past racial discrimination and disparities arising from
238 past and continued cannabis prohibition, stigmatization and
239 criminalization;

240 (4) Existing patterns of racial discrimination and racial disparities in
241 access to entrepreneurship, employment and other economic benefits
242 arising in the lawful palliative use cannabis sector as established
243 pursuant to chapter 420f of the general statutes; and

244 (5) Any other matters that the task force deems relevant and feasible
245 for study for the purpose of making reasonable and practical
246 recommendations for the establishment of an equitable and lawful
247 adult-use cannabis business sector in this state.

248 Sec. 6. (NEW) (*Effective from passage*) (a) Simultaneous with the
249 issuance of the detailed findings of fact pursuant to section 5 of this act,
250 and based upon such findings, the cannabis equity task force shall issue
251 specific recommendations for legislation, the adoption or amendment
252 of regulations, executive orders, programs, agencies, commissions,
253 grants, financial instruments and any other tools of governance, public
254 policy and public or private finance and investment that it deems:

255 (1) Necessary and feasible for the General Assembly and the
256 Governor to implement in order to create and regulate an equity-based
257 and lawful adult-use cannabis business sector;

258 (2) Necessary and feasible to remedy and uproot past and present
259 patterns of racial and other forms of unlawful discrimination arising
260 directly or indirectly from cannabis prohibition, stigmatization, and
261 criminalization; and

262 (3) Necessary and feasible for the General Assembly and the
263 Governor to improve and achieve equity within the palliative-use
264 cannabis sector established pursuant to chapter 420f of the general
265 statutes.

266 (b) The cannabis equity task force shall also issue recommendations
267 regarding the criteria and regulatory structure the Cannabis Control

268 Commission should use when defining "equity applicant" and "equity
269 applicant ownership of a cannabis business", for purposes of licensure.
270 Such recommendations shall include, but not be limited to:

271 (1) (A) Criteria an individual or business should meet to be classified
272 as an equity applicant or business; (B) benefits and responsibilities that
273 should accompany such classification; and (C) limitations and controls
274 the commission should impose on the ownership, transfer and sale of
275 businesses receiving the benefits of equity-related licensure;

276 (2) The amount of capital and overall number of cannabis businesses
277 needed to sustain an equitable cannabis business sector and workforce
278 composition in the state; and

279 (3) The amendment of cannabis-related criminal statutes, penalties
280 and related collateral civil consequences of convictions.

281 Sec. 7. (NEW) (*Effective from passage*) The cannabis equity task force
282 shall have a budget of five hundred thousand dollars allocated from the
283 General Fund. From such budget, the task force shall contract with
284 researchers and research organizations and may hire staff and otherwise
285 purchase goods and services in order to carry out its duties and
286 purposes pursuant to this section and sections 4 to 6, inclusive, of this
287 act, in a thorough and timely manner. In selecting researchers and
288 research organizations to conduct a study pursuant to section 4 of this
289 act, the task force shall prioritize the hiring of researchers and research
290 organizations with substantial experience in qualitative and
291 quantitative research related to race and racial disparities, including, but
292 not limited to, quantifying the economic and social impact of racism and
293 racial discrimination. The task force shall prioritize the hiring of
294 research organizations that are certified minority-owned businesses
295 operating in the state. No part of this section shall be interpreted to limit
296 the number or areas of knowledge and expertise of researchers and
297 research organizations that the task force may hire. The task force shall
298 be responsible for supervising and managing all hires made pursuant to
299 this section. Any moneys remaining after the completion of duties of the
300 task force pursuant to this section and sections 4 to 6, inclusive, of this

301 act shall be retained in trust and remitted to the Cannabis Control
302 Commission to support the commission's first year of operations.

303 Sec. 8. (NEW) (*Effective from passage*) (a) Not later than six months
304 after the date the cannabis equity task force issues findings of fact and
305 recommendations pursuant to section 5 of this act, there shall be
306 appointed and seated a Cannabis Control Commission, composed of
307 five commissioners. Two of the commissioners of the commission shall
308 be appointed by the Black and Puerto Rican Caucus of the General
309 Assembly and the remaining commissioners shall be the Labor
310 Commissioner and the Commissioners of Consumer Protection and
311 Economic and Community Development, or a qualified designee of
312 such commissioners. The commissioners appointed by the Black and
313 Puerto Rican Caucus shall be appointed for a two-year term, renewable
314 by such caucus at the end of each such term. Each commissioner
315 appointed by the Black and Puerto Rican Caucus shall receive a base
316 salary of not less than one hundred thousand dollars annually and may
317 be removed by the caucus for cause at any time. No vacancy on the
318 commission shall be permitted for longer than thirty consecutive days.

319 (b) The commission shall employ an executive director and may
320 establish, alter and remove subordinate offices within said commission.
321 Said commission may hire staff, contract with personnel and vendors,
322 establish an operational budget, expend moneys, communicate with the
323 general public and carry out all other ordinary duties and activities of a
324 regulatory agency.

325 (c) The commission shall establish rules for its operations and
326 decision-making, provided no decisions of public policy shall be made
327 without a properly convened quorum, which shall consist of a
328 minimum of three commissioners.

329 Sec. 9. (NEW) (*Effective from passage*) (a) The Cannabis Control
330 Commission shall be an independent regulatory agency and shall have
331 exclusive regulatory authority and oversight over all aspects of the
332 cultivation, production, distribution, transport, sale and other
333 commerce in cannabis and cannabis products for nonpalliative and

334 nonmedical use, except as expressly provided in sections 13, 15, 16 and
335 23 of this act. Nothing in said sections shall prevent the commission
336 from cooperating with other departments, agencies or state or local
337 authorities, provided the commission may not delegate final decision-
338 making authority on any matter of regulation, public policy, licensure,
339 funding, inspection, compliance or discipline under the commission's
340 jurisdiction to any authority or body outside of the commission and the
341 commission's subordinate offices.

342 (b) The commission may, consistent with sections 9 to 31, inclusive,
343 of this act, adopt regulations in accordance with the provisions of
344 chapter 54 of the general statutes, to establish a system of licenses for
345 commerce in cannabis, investigate applicants, licensees and other
346 relevant persons, set standards, set and waive fees, hold administrative
347 hearings, impose discipline and otherwise take such measures and
348 exercise such regulatory powers as necessary to establish a modern,
349 well-regulated cannabis business sector, ensure equity in all aspects of
350 the sector and protect public safety and public health related to the use
351 of cannabis.

352 (c) The commission, in carrying out its duties and exercising its
353 authority pursuant to this section and sections 11, 13, 16 to 20, inclusive,
354 26, 27 and 31 of this act, shall adopt the findings of fact and seek to
355 implement the recommendations issued by the cannabis equity task
356 force pursuant to section 5 of this act. The commission and the Office of
357 Justice Reinvestment, established pursuant to section 18 of this act, shall
358 report, in accordance with the provisions of section 11-4a of the general
359 statutes, every six months to the Governor and General Assembly on the
360 commission's progress toward implementation of the recommendations
361 of the cannabis equity task force, until such time as all such
362 recommendations are fulfilled. The commission shall make such reports
363 available to the public.

364 Sec. 10. (NEW) (*Effective from passage*) If any provision of sections 3 to
365 32, inclusive, of this act or any provision of any regulation adopted
366 pursuant to section 2, 9, 13, 22 or 29 of this act conflicts with any

367 provision of chapter 420f of the general statutes, the provisions of said
368 sections shall prevail.

369 Sec. 11. (NEW) (*Effective from passage*) No person or entity licensed by
370 the Cannabis Control Commission may hold itself out as providing for
371 the palliative use of marijuana or cannabis, as defined in chapter 420f of
372 the general statutes, or otherwise provide for the medical use of
373 cannabis, unless licensed by the Department of Consumer Protection
374 pursuant to said chapter and regulations adopted pursuant to said
375 chapter. Nothing in this section shall be interpreted as prohibiting a
376 holder of a license under section 13 of this act from concurrently holding
377 a license issued pursuant to chapter 420f of the general statutes.

378 Sec. 12. (NEW) (*Effective from passage*) The Cannabis Control
379 Commission shall not adopt or implement any regulation, standard,
380 policy, application, process or other requirement that prohibits
381 individuals from participating in or obtaining licensure in the lawful
382 cannabis business sector on the basis of either an arrest or a conviction
383 for: (1) Any cannabis-related offense in any jurisdiction, or (2) a
384 misdemeanor drug offense of any type in any jurisdiction.

385 Sec. 13. (NEW) (*Effective from passage*) (a) Not later than one year after
386 the establishment of the Cannabis Control Commission pursuant to
387 section 8 of this act, the commission shall establish, set standards for,
388 issue and regulate to following seven types of licenses:

389 (1) Licenses authorizing the cultivation and production of cannabis;

390 (2) Licenses authorizing the manufacture of cannabis products
391 intended for sale;

392 (3) Licenses authorizing the retail sale of cannabis and cannabis
393 products to consumers;

394 (4) Licenses authorizing laboratories for the testing of cannabis,
395 pursuant to standards and requirements established by the commission;

396 (5) Licenses authorizing businesses that deliver cannabis and

397 cannabis products directly to consumers at a residential address from
398 one or more licensed cannabis retailers;

399 (6) Licenses authorizing microbusinesses; and

400 (7) Licenses authorizing social consumption establishments and
401 cannabis lounges.

402 (b) The commission shall hold public hearings regarding the
403 establishment of other types of licenses, including, but not limited to,
404 single-use event licenses. The commission may, subsequent to one or
405 more public hearings and upon its own discretion and judgment,
406 establish, issue and regulate such additional license types that the
407 commission deems likely to support equity within the cannabis business
408 sector, fiscally prudent and consistent with public safety and public
409 health.

410 (c) For all license types established pursuant to subsection (a) of this
411 section, the commission shall adopt regulations in accordance with the
412 provisions of chapter 54 of the general statutes, set such standards and
413 establish such mechanisms as it deems necessary to enforce the
414 provisions of sections 9 to 19, inclusive, of this act and to ensure equity,
415 fiscal prudence, public safety and public health.

416 (d) The commission may revoke any license type authorized
417 pursuant to subsection (a) of this section upon a finding by said
418 commission that such license type fails to improve equity within the
419 cannabis business sector, fails to be fiscally prudent or endangers public
420 safety or public health, provided holders of such licenses are provided
421 reasonable notice and an opportunity to appeal such decision pursuant
422 to the provisions of chapter 54 of the general statutes.

423 (e) (1) The commission, in consultation with the Office of Justice
424 Reinvestment established pursuant to section 18 of this act, and
425 consistent with the findings of fact and the recommendations the
426 cannabis equity task force pursuant to section 5 of this act, shall establish
427 criteria and qualifications for eligibility for licensure as an equity

428 applicant.

429 (2) Any set of criteria or qualifications for eligibility for licensure as
430 an equity applicant shall include persons who have been arrested for or
431 convicted of a cannabis criminal offense or who has had a parent or
432 sibling who has been arrested or convicted of a cannabis criminal
433 offense. The absence of such an arrest or conviction for the person or the
434 person's parent or sibling shall not automatically disqualify a person
435 from eligibility for licensure as an equity applicant if other criteria and
436 qualifications, as established by the commission, are satisfied.

437 (3) The commission, in consultation with the Office of Justice
438 Reinvestment, may further require, as criteria and qualifications for
439 eligibility for licensure as an equity applicant, provided such criteria
440 and qualifications are compatible with the findings of fact and the
441 recommendations of the cannabis equity task force pursuant to sections
442 5 and 6 of this act, permanent residency in a neighborhood, as defined
443 by the commission, that meets three or more of the following criteria:

444 (A) Has a median income that is not more than eighty per cent of the
445 average median household income in the state;

446 (B) Has an unemployment rate that is at least one hundred fifty per
447 cent of the unemployment rate in the state;

448 (C) Has an uninsured rate for health insurance that is at least one
449 hundred fifty per cent of the uninsured rate for health insurance in the
450 state;

451 (D) Has a food stamp or supplemental nutrition assistance plan rate
452 that is at least one hundred fifty per cent of the food stamp or
453 supplemental nutrition assistance plan rate in the state;

454 (E) Has a poverty rate that is at least one hundred fifty per cent of the
455 poverty rate in the state;

456 (F) Has disproportionately high rates of arrest, conviction and
457 incarceration for cannabis possession; or

458 (G) Any other criteria and qualifications as identified by the
459 commission.

460 (4) The commission, in consultation with the Office of Justice
461 Reinvestment, may further require, as criteria and qualifications for
462 eligibility for licensure as an equity applicant that are not based on
463 residency or neighborhood, provided such criteria and qualifications
464 are compatible with the findings of fact and the recommendations of the
465 cannabis equity task force pursuant to sections 5 and 6 of this act.

466 (f) For all license types, the commission shall solicit applications,
467 issue licenses and permit the start of operations in two phases, as
468 follows:

469 (1) Equity applicants, as defined by the commission, and

470 (2) (A) Regular applicants, who shall consist of all other persons and
471 entities. No regular applicant shall be accepted for review until one year
472 after the first equity applicant licensee of the same type of license
473 commences operations, except that any medical marijuana dispensary
474 licensed under chapter 420f of the general statutes that is fully
475 operational and in good standing with the Department of Consumer
476 Protection and any other state agency, including, but not limited to, the
477 Department of Revenue Services, for at least twelve consecutive months
478 prior to January 1, 2021, shall be eligible to seek licensure under a
479 cannabis retailer license and to begin operations under an approved
480 cannabis retailer license, during such one-year period. Any medical
481 marijuana dispensary that does not qualify as an equity applicant shall
482 be eligible for a license, other than a cannabis retailer license, as a regular
483 applicant only.

484 (B) Any medical marijuana dispensary licensed pursuant to the
485 exception for regular applicants under subparagraph (A) of this
486 subdivision shall be required, as a condition of licensure, to purchase
487 cannabis and cannabis products intended for sale under such cannabis
488 retailer license exclusively from cultivators, retailers, manufacturers or
489 microbusinesses who have been licensed as equity applicants and may

490 not sell under the cannabis retailer license cannabis or cannabis
491 products intended for medical or palliative care.

492 (g) For purposes of this section, "operations" means the first date that
493 a cannabis business transaction authorized by a license takes place in
494 the cannabis establishment.

495 (h) For all license types and for both equity applicants and regular
496 applicants, the commission shall consult with the Office of Justice
497 Reinvestment regarding regulations, requirements, qualifications,
498 standards and the review of applications.

499 (i) The commission shall adopt regulations, in accordance with the
500 provisions of chapter 54 of the general statutes, that limit changes or
501 transfers of ownership of businesses holding a license as an equity
502 applicant and strictly limit the use of subsidiaries, holding and shell
503 companies and other similar corporate vehicles in the equity application
504 process to preserve the equitable purposes of this section, sections 2 to
505 7, inclusive, and sections 9, 16, 18 and 23 of this act and to prevent the
506 misuse of the equity application process. Such regulations shall include,
507 but not be limited to: (1) A ten-year prohibition on the transfer or sale of
508 a business licensed by an equity applicant to a person or business that
509 does not qualify as an equity applicant or licensee, and (2) the
510 repayment of the previous ten years of all equity-based license fee
511 waivers, subsidies, grants, low-interest loans and other financial
512 supports provided through or regulated by the commission, the
513 Department of Economic and Community Development or the Labor
514 Department, prior to the date of transfer or sale of the business.

515 Sec. 14. (NEW) (*Effective from passage*) On and after one year from the
516 effective date of this section and notwithstanding any other provision of
517 sections 1 to 32, inclusive, of this act or any provision of the general
518 statutes or the Regulations of Connecticut State Agencies or of any local
519 ordinance, a person twenty-one years of age or older shall not be
520 required to hold a license and shall not be arrested, prosecuted,
521 penalized, sanctioned or disqualified in any manner or denied any right
522 or privilege and shall not be subject to seizure or forfeiture of assets, for:

523 (1) Any cannabis produced by cannabis plants cultivated on the
524 premises of the person's primary residence; (2) possessing, cultivating
525 or processing not more than six flowering cannabis plants at any one
526 time for personal use on the premises of his or her primary residence, as
527 the sole adult resident; or (3) possessing, cultivating or processing not
528 more than twelve flowering cannabis plants at any one time if the
529 premises are shared by two or more adults twenty-one years of age or
530 older as their primary residence.

531 Sec. 15. (NEW) (*Effective from passage*) Notwithstanding any
532 requirements, standards or restrictions imposed by the Cannabis
533 Control Commission pursuant to its authority under sections 9, 11, 13,
534 16 to 20, inclusive, 26, 27 and 31 of this act, the holder of a cannabis
535 microbusiness license may cultivate, process, manufacture or distribute
536 cannabis and cannabis products to cannabis retailers and deliver the
537 microbusinesses' cannabis and cannabis products directly to consumers.
538 Any cannabis microbusiness may request to the commission to operate
539 as a social consumption establishment and shall be eligible for approval,
540 provided the social consumption establishment and the microbusiness
541 are reasonably related and integrated into a single business operation
542 sharing a single premises or adjacent premises, under the control of the
543 license holder.

544 Sec. 16. (NEW) (*Effective from passage*) Notwithstanding any other
545 provision of section 11, 13 or 15 of this act or any regulation adopted
546 pursuant to section 13 of this act, the Cannabis Control Commission
547 shall not accept an application for any license from a person or entity
548 who owns or operates a business or other establishment licensed
549 pursuant to chapter 420f of the general statutes, until such time as the
550 Office of Justice Reinvestment makes a determination that equity in
551 ownership in the cannabis business sector has been sustainably
552 achieved.

553 Sec. 17. (NEW) (*Effective from passage*) (a) In addition to any other
554 licensure requirements and standards established by the Cannabis
555 Control Commission, the commission shall require each applicant for a

556 cannabis establishment license to enter into, maintain and abide by the
557 terms of a labor peace agreement. All labor peace agreements shall
558 contain a clause that final and binding arbitration will be the exclusive
559 remedy for any violation of such agreement. Each applicant, whether
560 for an initial license or renewal of a license, shall submit an attestation
561 signed by both the applicant and the bona fide labor organization
562 stating that the applicant meets the requirements of this section. A labor
563 peace agreement shall be an ongoing material condition of a cannabis
564 establishment license and a violation of such agreement, established
565 exclusively through arbitration, may result in suspension, revocation or
566 denial of the renewal of such license.

567 (b) In addition to any other licensure requirements and standards
568 established by the commission, the commission shall require each
569 applicant for a cannabis cultivation or cannabis retailer license whose
570 operation entails substantial construction or renovation of a facility, to
571 (1) pay not less than the prevailing wage, as described in section 31-53
572 of the general statutes, for mechanics, laborers or workers performing
573 construction activities with respect to the project, and (2) require the
574 applicant to engage in a good faith negotiation of a project labor
575 agreement.

576 Sec. 18. (NEW) (*Effective from passage*) The Cannabis Control
577 Commission shall establish an Office of Justice Reinvestment not later
578 than six months after the commission is established. The commission
579 shall hire staff and authorize the Office of Justice Reinvestment to hire
580 staff and shall provide funding and other resources necessary for the
581 office to perform the following duties:

582 (1) Advise the commission, the General Assembly and the Governor
583 on all equity matters under the commission's jurisdiction;

584 (2) Meet on a quarterly basis with the Black and Puerto Rican Caucus
585 of the General Assembly to provide updates on the implementation of
586 the recommendations of the cannabis equity task force, the condition of
587 the cannabis business sector and any other equity-related matters of
588 importance to said caucus and to request legislative remedies from said

589 caucus that the Office of Justice Reinvestment deems reasonable;

590 (3) Oversee cannabis workforce grants, loans and other financial
591 supports, distributed pursuant to this section or section 2, 6, 13 or 26 of
592 this act or pursuant to any other cannabis-related programs under the
593 commission's jurisdiction. Such oversight includes, but is not limited to,
594 assessing the equitable distribution and the effectiveness of such grants,
595 loans and other financial supports by recipients, compliance with the
596 terms, conditions and goals of such grants, loans and other financial
597 supports by recipients and any other matters regarding the effective and
598 proper use of funds in the interest of equity in the cannabis business
599 sector. The Office of Justice Reinvestment may exercise any authority
600 and powers delegated to it by the commission, the Labor Department,
601 the Departments of Consumer Protection and Economic and
602 Community Development and any other state, local or tribal authority
603 to carry out its oversight duties pursuant to this subdivision. Said office
604 shall have the authority and power to request and compel the
605 production of documents, data, witnesses and other investigatory
606 materials from other public entities in the state and any private entity
607 receiving any benefit or license pursuant to this section, provided that
608 no part of such production by either a public or private entity shall be
609 considered a public record or be subject to public inspection.

610 (4) Investigate any agreement between a cannabis business and a
611 municipal government and refer such agreements and the parties to the
612 agreement to the commission for further review and action upon a
613 finding that an agreement may be contrary to any provision of sections
614 2 to 32, inclusive, of this act or any regulation adopted thereunder.

615 (5) Conduct research, engage in public outreach and education and
616 carry out all other duties assigned to it by the commission with such
617 powers and budget as allocated to it by the commission for the purposes
618 of supporting and improving equity within the cannabis business sector
619 and supporting and improving equity within the operations and
620 administration of the commission.

621 Sec. 19. (NEW) (*Effective from passage*) Not later than one hundred

622 eighty days after the establishment of the Office of Justice Reinvestment,
623 the Cannabis Control Commission, the Labor Department and the
624 Departments of Consumer Protection and Economic and Community
625 Development shall expressly delegate to the Office of Justice
626 Reinvestment such powers as are necessary for said office to carry out
627 its duties and as may be subsequently assigned to it by the commission
628 in a timely and efficient manner. The commission, the Labor
629 Department and the Departments of Consumer Protection and
630 Economic and Community Development may delegate additional
631 powers to, or enter into cooperative agreements with, the Office of
632 Justice Reinvestment so that said office may carry out its duties in a
633 timely and efficient manner.

634 Sec. 20. (NEW) (*Effective from passage*) (a) There is established a
635 Cannabis Control Commission operational trust fund that shall be held
636 and administered by the Cannabis Control Commission and that shall
637 receive one hundred per cent of all licensing and other regulatory fees
638 and one hundred per cent of all cannabis sales tax surcharges imposed
639 under section 21 of this act. Moneys in the fund shall be expended to
640 support the regulatory operations of the commission and to supplement
641 any funds allocated from the General Fund, provided not less than
642 seventy per cent of the moneys in the fund shall be allocated to the
643 support and duties of the Office of Justice Reinvestment.

644 (b) The commission shall expend not less than ten per cent of revenue
645 in the fund to support workforce development programs aimed at
646 increasing the number of qualified cannabis sector workers from
647 disproportionately impacted backgrounds, which may include such
648 programs as established or funded pursuant to sections 2, 4 to 7,
649 inclusive, 9 and 13 of this act. Such allocation shall not reduce the
650 amount allocated to the Department of Economic and Community
651 Development pursuant to section 2 of this act in any manner, but shall
652 be used to supplement and increase such allocation.

653 Sec. 21. (NEW) (*Effective from passage*) (a) There shall be a state-wide
654 ten per cent sales tax surcharge, in addition to the sales tax under section

655 12-408 of the general statutes, on the sale of cannabis and cannabis
656 products. Any municipality may impose a municipal cannabis tax of not
657 more than five per cent on the sale of cannabis and cannabis products in
658 such municipality that shall be in addition to the sales tax under section
659 12-408 of the general statutes and sales tax surcharge described in this
660 subsection. No part of the sales tax surcharge, the sales tax under section
661 12-408 of the general statutes or any municipal cannabis tax shall be
662 applied to the sale of cannabis or cannabis products sold to a medical
663 marijuana patient by a licensed medical marijuana dispensary for the
664 purpose of palliative care for a debilitating medical condition.

665 (b) There shall be a restorative justice tax on cannabis businesses,
666 including pass-through entities, in addition to any other corporate tax
667 or taxation on pass-through income, at the rate of (1) two per cent on the
668 portion of the annual gross revenue of a cannabis business over one
669 million dollars up to and including ten million dollars, and (2) ten per
670 cent on the portion of the annual gross revenue of a cannabis business
671 in excess of ten million dollars.

672 (c) The Department of Revenue Services shall adopt regulations, in
673 accordance with the provisions of chapter 54 of the general statutes,
674 issue guidance and issue or amend such forms, and otherwise institute
675 such measures as necessary and reasonable to enact and enforce the
676 provisions of this section in a timeline consistent with the needs and
677 requirements of the Cannabis Control Commission.

678 Sec. 22. (NEW) (*Effective from passage*) No municipality may
679 unconditionally prohibit the operation of a cannabis business in such
680 municipality. The provisions of this section shall not prevent a
681 municipality from regulating the zoning, licensing, hours of operation,
682 outward appearance or other matters subject to municipal jurisdiction
683 of business establishments, provided no ordinance, regulation, license,
684 permit, fee or tax imposes a burden on cannabis businesses substantially
685 greater than the burden imposed by the municipality on a similarly-
686 sized business involved in the manufacture, distribution or sale of
687 alcoholic liquor.

688 Sec. 23. (NEW) (*Effective from passage*) Not later than six months after
689 the establishment of the Cannabis Control Commission pursuant to
690 section 8 of this act, the Governor shall, in consultation with the
691 Cannabis Control Commission and the Office of Justice Reinvestment,
692 invite the District of Columbia and those other states, territories and
693 tribes where commerce in cannabis is lawful to enter into an interstate
694 or interjurisdictional compact that shall provide for well-regulated
695 interstate and interjurisdictional commerce in cannabis. The Governor
696 shall take such steps as needed to secure agreement from such federal
697 agencies that regulate commerce to withhold interference or interdiction
698 of a well-regulated commerce in cannabis established through such
699 compacts. No compact shall be proposed or entered into pursuant to
700 this section unless the terms of such compact are consistent with the
701 equity-related goals established by the Cannabis Control Commission
702 and the Office of Justice Reinvestment pursuant to sections 2 to 7,
703 inclusive, and sections 9, 13, 16, 18 and 23 of this act.

704 Sec. 24. (NEW) (*Effective from passage*) No (1) commissioner of the
705 Cannabis Control Commission, during the commissioner's term in office
706 and for one year after the commissioner leaves office, (2) executive or
707 managerial employee of the state or a municipal government, or (3)
708 judge, prosecutor or employee of a police department or other law
709 enforcement agency with jurisdiction over the investigation and
710 enforcement of cannabis-related crimes or crimes regarding controlled
711 substances, shall:

712 (A) Have, directly or indirectly, individually or as a member of a
713 partnership or as a shareholder of a corporation, any financial or
714 managerial interest in any cannabis establishment licensed by the
715 Cannabis Control Commission pursuant to section 13 of this act or
716 licensed under chapter 420f of the general statutes or in any business
717 whose principal source of revenue or market involves providing goods
718 or services specifically and directly to cannabis establishments licensed
719 pursuant to section 13 of this act or under chapter 420f of the general
720 statutes; or

721 (B) Be permitted to receive any commission, profit, gratuities, offer of
722 future employment, partnership, ownership or other financially
723 beneficial association or gifts of any kind, from any person or cannabis
724 establishment licensed pursuant to section 13 of this act or under
725 chapter 420f of the general statutes.

726 Sec. 25. (NEW) (*Effective from passage*) Except as authorized under
727 section 26 of this act, no municipality or local official shall condition any
728 official action or accept any donation, in moneys or in kind, from any
729 cannabis establishment or from an individual or corporation that has
730 applied for a license to open or operate a cannabis establishment in such
731 municipality or a neighboring municipality. No municipality may
732 negotiate or enter into a local host agreement with a cannabis
733 establishment or an individual or corporation that has applied for a
734 license to open or operate a cannabis establishment in such municipality
735 or a neighboring municipality that violates, directly or indirectly, any
736 provision of sections 2 to 32, inclusive, of this act or any regulation
737 adopted thereunder.

738 Sec. 26. (NEW) (*Effective from passage*) Each municipality shall be
739 eligible for cannabis workforce and economic development grants and
740 loans or other funds under the jurisdiction of the Cannabis Control
741 Commission, the Office of Justice Reinvestment, the Labor Department
742 or the Departments of Consumer Protection and Economic and
743 Community Development, except that no municipality shall be eligible
744 for any such cannabis workforce or economic development grant or loan
745 or other funds unless such municipality has passed a resolution or
746 ordinance adopting the findings of fact made by the cannabis equity
747 task force under section 5 of this act and committing the municipality to
748 the implementation of the task force's recommendations concerning
749 municipalities.

750 Sec. 27. (NEW) (*Effective from passage*) The Cannabis Control
751 Commission shall, not later than sixty days after its establishment,
752 consult with The University of Connecticut regarding entering into a
753 research partnership to provide studies, research, training, education

754 and any other manner of engagement in support of equity in the
755 cannabis business sector, equity applicants and licensees and equity in
756 the cannabis workforce. The commission shall seek to enter into formal
757 and informal partnerships with The University of Connecticut for not
758 more than one hundred eighty days and as needed thereafter.

759 Sec. 28. (NEW) (*Effective from passage*) Neither the presence of
760 cannabinoid components or metabolites in a person's bodily fluids nor
761 conduct related to the use of cannabis or the participation in cannabis-
762 related business or other activities made lawful under section 3 or 11 or
763 sections 13 to 15, inclusive, of this act, or by any section of the general
764 statutes, the regulations of state agencies or a local ordinance, by a
765 custodial or noncustodial parent, grandparent, pregnant woman, legal
766 guardian or other person charged with the well-being of a child, shall
767 form the sole or primary basis for: (1) Any action or proceeding by a
768 child welfare agency or in a family or juvenile court, or (2) any adverse
769 finding, adverse evidence or restriction of any right of privilege in a
770 proceeding related to adoption, fostering or a person's fitness to adopt
771 or foster a child.

772 Sec. 29. (NEW) (*Effective from passage*) (a) On and after one hundred
773 eighty days after the effective date of this section: Any educational
774 institution receiving public funds or subject to the regulations of state
775 agencies shall revise and implement student disciplinary policies to
776 conform to the criteria in this section.

777 (b) The Department of Education and the Office of Higher Education,
778 in consultation with the Cannabis Control Commission and the Office
779 of Justice Reinvestment, shall adopt regulations in accordance with the
780 provisions of chapter 54 of the general statutes for the implementation
781 of the provisions of this section. Such regulations shall include, but not
782 be limited to, regulations for collecting information regarding student
783 disciplinary actions related to cannabis and to undertake remedial
784 measures to correct discriminatory conduct, disparate impacts and
785 improper implementation of the provisions of this section.

786 (c) Each educational institution subject to the provisions of subsection

787 (a) of this section shall file a detailed report, consistent with regulations
788 adopted pursuant to subsection (b) of this section, with the relevant
789 regulatory agency for each disciplinary action related to cannabis.

790 (d) Any student found unlawfully in possession of cannabis on the
791 premises of his or her school or while engaged in school activities, such
792 as field trips, athletic competitions or science fairs, may receive or be
793 subject to counseling, drug-related education or community service
794 related to the school, or any combination of such programs, as may be
795 appropriate for the individual student's educational and social needs.
796 Such disciplinary action shall not be more severe than equivalent school
797 penalties for the underage use of alcohol.

798 (e) Any educational institution subject to the provisions of subsection
799 (a) of this section may elect to establish a restorative justice program for
800 addressing matters related to cannabis, other controlled substances,
801 alcohol or tobacco. Any such restorative justice program shall include,
802 but not be limited to, an education curriculum that is tailored to the
803 needs and circumstances of individual students.

804 (f) Any educational institution subject to the provisions of subsection
805 (a) of this section may elect to establish a cannabis diversion program or
806 other substance abuse diversion program, as part of a school drug
807 policy. Any such diversion program shall include, but not be limited to,
808 counseling, support and education regarding cannabis abuse and other
809 substance abuse.

810 (g) No student found unlawfully in possession of cannabis on school
811 premises or while engaged in school activities, such as field trips,
812 athletic competitions or science fairs off school premises, may be subject
813 to out-of-school suspension of more than ten days.

814 (h) No school disciplinary policy shall be construed to prohibit the
815 involvement of a student or school in a criminal investigation
816 reasonably related to the unlawful possession or distribution of
817 cannabis on school premises or in the course of school activities. In any
818 investigation or other proceeding where a student subject to school

819 discipline for possession of cannabis may reasonably be expected to be
820 a witness or to be subject to arrest, the student shall have a right to
821 independent counsel free of charge. Any student entitled to counsel
822 under this section or any other provision of state, federal or tribal law
823 shall be promptly informed of his or her right to counsel and be granted
824 the means to request counsel by the school.

825 (i) No beneficiary of financial aid or student loans shall have his or
826 her eligibility, rights, privileges or options revoked, restricted or
827 otherwise adversely changed on the basis of cannabis-related activity
828 that is lawful under sections 13 to 15, inclusive, of this act. Any
829 contractual provision or policy contrary to the provisions of this section
830 shall be deemed void and against public policy.

831 (j) No person lawfully dwelling in student housing shall be subject to
832 discipline, termination of residency, eviction, or any other housing-
833 related sanction for cannabis-related activity permitted under sections
834 13 to 15, inclusive, of this act or shall be subject to school discipline for
835 cannabis-related activity permitted under sections 13 to 15, inclusive, of
836 this act, that does not substantially involve housing-related misconduct.
837 Any contractual provision or policy contrary to this section shall be
838 deemed void and against public policy.

839 (k) Violation of any provision of this section shall give rise to a private
840 right of action by any student subject to school discipline under this
841 section or any legal parent or guardian of such a student. Such private
842 right of action may be filed in the superior court for the district in which
843 the school is located.

844 Sec. 30. (NEW) (*Effective from passage*) (a) On and after one hundred
845 eighty days after the effective date of this section, it shall be unlawful to:

846 (1) Refuse to rent, lease, license, sell or otherwise make unavailable
847 any unit of housing on the basis of a person's prior charge or conviction
848 for a cannabis-related offense or past, current or future involvement or
849 participation in the lawful cannabis business sector;

850 (2) Make any inquiry into a prospective tenant, licensee or
851 purchaser's criminal history related to cannabis; or

852 (3) Discriminate in the terms, conditions or privileges of the sale or
853 rental of any dwelling on the basis of a person's prior charge or
854 conviction for a cannabis-related offense or past, current or future
855 involvement or participation in the lawful cannabis business sector.

856 (b) Homeless shelters, respite homes, nursing homes and other long-
857 term care facilities shall not be exempt from the provisions of subsection
858 (a) of this section.

859 (c) The provisions of subsection (a) of this section shall not apply to
860 sober living houses or other housing intended to provide a therapeutic
861 or rehabilitative environment related to drug or alcohol use or to
862 temporary lodgings, including hotels, motels, camps and private homes
863 rented for brief stays.

864 Sec. 31. (NEW) (*Effective from passage*) (a) On and after one hundred
865 eighty days after the effective date of this section, the provisions of this
866 section shall apply to any housing governed by the federal Quality
867 Housing and Work Responsibility Act of 1998 or any housing governed
868 by any other provisions of federal law that grants persons or entities that
869 own or manage federally assisted housing the discretion to deny
870 persons housing to or evict persons from housing on the basis of drug-
871 related offenses.

872 (b) It shall be unlawful to refuse to rent, lease or license or to
873 otherwise make unavailable any unit of housing subject to the
874 provisions of this section on the basis of a person's charge or arrest for a
875 cannabis-related offense, without a conviction or other substantial
876 independent and relevant evidence based on actual conduct.

877 (c) All persons or entities that own, manage or otherwise regulate
878 housing subject to the provisions of this section shall provide written
879 notification of any denial of housing or any eviction on the basis of the
880 lawful cultivation, possession or use of cannabis or other cannabis-

881 related offense to the Cannabis Control Commission and the Office of
882 Justice Reinvestment. Such written notice shall provide, with specificity,
883 the name and address of the affected person, the race and ethnicity of
884 the affected person, the gender of the affected person, the persons with
885 knowledge and decision-making authority regarding the denial or
886 eviction, the specific circumstances of the denial or eviction and the
887 specific reasons, facts and evidence for the denial or eviction. Notice
888 shall be issued to the office of the Attorney General not more than seven
889 days after the denial or issuance of a notice of eviction.

890 (d) The office of Attorney General shall conduct periodic disparate
891 racial impact reviews of denials and evictions for cannabis-related
892 reasons under Title VI of the federal Civil Rights Act of 1964, at its
893 discretion, but not less than once every two years. If any such review
894 identifies any pattern of disparate racial impact or intentional
895 discrimination in the provision or retention of federally assisted housing
896 on the basis of lawful cannabis activity, the office of the Attorney
897 General shall promptly undertake, upon the recommendation of the
898 Cannabis Control Commission or on its own initiative, such remedial
899 and corrective measures as it deems reasonable, including seeking
900 equitable and injunctive relief and imposing civil penalties not to exceed
901 one hundred thousand dollars for each instance of a policy or practice
902 that creates a disparate racial impact in the provision or retention of
903 housing covered by this section.

904 Sec. 32. (NEW) (*Effective from passage*) No provision of sections 1 to 33,
905 inclusive, of this act shall be interpreted to infringe on tribal sovereignty
906 to establish laws, regulations or ordinances or to govern and regulate
907 matters of public policy within the boundaries of tribal jurisdiction.
908 Lawful cannabis operations certified by the tribes shall be considered
909 licensed entities for the purpose of commerce between tribal cannabis
910 businesses and licensed cannabis businesses in this state.

911 Sec. 33. Section 54-142d of the general statutes is repealed and the
912 following is substituted in lieu thereof (*Effective July 1, 2022*):

913 (a) Whenever any person has been convicted of an offense in any
914 court in this state and such offense has been decriminalized subsequent
915 to the date of such conviction, such person may file a petition with the
916 [superior court] Superior Court at the location in which such conviction
917 was effected, or with the [superior court] Superior Court at the location
918 having custody of the records of such conviction or [with the records
919 center of the Judicial Department] if such conviction was in the Court of
920 Common Pleas, Circuit Court, municipal court or by a trial justice in the
921 Superior Court where venue would exist for criminal prosecution, for
922 an order of erasure, and the Superior Court [or records center of the
923 Judicial Department] shall direct all police and court records and
924 records of the state's or prosecuting attorney pertaining to such [case]
925 offense to be physically destroyed, provided the person shall be given a
926 complete paper or electronic copy of all records covered under this
927 subsection that are certified for authenticity prior to the destruction of
928 such records. If an electronic copy is provided to the person, no
929 duplicate electronic record shall be retained by any agency, department
930 or court covered under this subsection.

931 (b) Any person who has been convicted on October 1, 2015, or
932 thereafter, in any court in this state for possession of marijuana or a
933 cannabis-type substance or for possession of marijuana or a cannabis-
934 type substance with the intent to distribute and the amount possessed
935 was less than or equal to six ounces of such substance, may file a petition
936 with the Superior Court at the location in which such conviction was
937 effected, or with the Superior Court at the location having custody of
938 the records of such conviction or if such conviction was in the Court of
939 Common Pleas, Circuit Court, municipal court or by a trial justice, in the
940 Superior Court where venue would currently exist for criminal
941 prosecution, for an order of erasure. As part of such petition, such
942 person shall include a copy of the arrest record or an affidavit
943 supporting such person's petition that such person possessed six ounces
944 or less of a cannabis-type substance for which such person was
945 convicted. If such petition is in order, the Superior Court shall direct all
946 police and court records and records of the state's or prosecuting

947 attorney pertaining to such offense to be erased. No fee may be charged
948 by any agency, department or court with respect to any petition under
949 this subsection. The petitioner shall be given a complete paper or
950 electronic copy of all records covered under this section that are certified
951 for authenticity prior to the destruction of such records. If an electronic
952 copy is provided, no duplicate electronic record shall be retained by any
953 agency, department or court covered under this subsection.

954 (c) The provisions of this section shall not apply to any police or court
955 records or records of the state's or prosecuting attorney pertaining to
956 such offense (1) while the criminal case is pending, or (2) in instances
957 where the case contains more than one count, until the records
958 pertaining to all counts are entitled to destruction or erasure. If the
959 records pertaining to all counts are not entitled to destruction, the court
960 shall direct the records of any offenses that would otherwise be entitled
961 to destruction pursuant to this section to be erased pursuant to section
962 54-142a, as amended by this act, provided the person to whom the
963 records pertain shall be given a complete paper or electronic copy of all
964 records subject to erasure under this subsection that are certified for
965 authenticity prior to the erasure of the record. If an electronic copy is
966 provided, no duplicate electronic record shall be retained by any
967 agency, department or court covered under this subsection. No fee may
968 be charged by any agency, department or court with respect to any
969 action under this subsection.

970 Sec. 34. (NEW) (*Effective July 1, 2022*) (a) Whenever prior to October
971 1, 2015, any person has been convicted in any court of this state of
972 possession under subsection (c) of section 21a-279 of the general
973 statutes, all police and court records and records of the state's or
974 prosecuting attorney pertaining to such a conviction in any court of this
975 state shall be (1) erased, if such records are electronic records; or (2)
976 deemed erased by operation of law, if such records are not electronic
977 records. The person to whom the records pertain shall be given a
978 complete paper or electronic copy of electronic records covered under
979 this subsection that are certified for authenticity prior to the erasure of
980 such records. No fee may be charged by any agency, department or

981 court with respect to any petition or action under this subsection.

982 (b) The provisions of this section shall not apply to any police or court
983 records or the records of any state's attorney or prosecuting attorney
984 with respect to any record referencing more than one count unless and
985 until all counts are entitled to erasure in accordance with the provisions
986 of this section, except that electronic records or portions of electronic
987 records released to the public that reference a charge that would
988 otherwise be entitled to erasure under this section shall be erased in
989 accordance with the provisions of this section. The person to whom the
990 records pertain shall be given a complete paper or electronic copy of
991 electronic records covered under this subsection that are certified for
992 authenticity prior to the erasure of such records. No fee may be charged
993 by any agency, department or court with respect to any petition or
994 action under this subsection.

995 (c) Nothing in this section shall limit any other procedure for erasure
996 of criminal history record information, as defined in section 54-142g of
997 the general statutes, or prohibit a person from participating in any such
998 procedure, even if such person's electronic criminal history record
999 information has been erased pursuant to this section.

1000 (d) For the purposes of this section, "electronic record" means any
1001 police or court record or record of any state's attorney or prosecuting
1002 attorney that is an electronic record, as defined in section 1-267 of the
1003 general statutes, other than a scanned copy of a physical document.

1004 (e) Nothing in this section shall be construed to require the redaction
1005 of records held internally by the Department of Correction.

1006 Sec. 35. Section 21a-408s of the general statutes is repealed and the
1007 following is substituted in lieu thereof (*Effective from passage*):

1008 (a) [No] A laboratory or a laboratory employee licensed for the testing
1009 of cannabis and cannabis products may [(1) acquire marijuana from a
1010 person other than a licensed producer, licensed dispensary or
1011 organization engaged in a research program, (2) deliver, transport or

1012 distribute marijuana to (A) a person who is not a licensed dispensary,
1013 (B) a person who is not a licensed producer, or (C) an organization not
1014 engaged in a research program, or (3)] acquire and test cannabis or
1015 cannabis products obtained from any source or person and may report
1016 the test results to the person requesting such test without inquiry into
1017 the source of the cannabis or cannabis product, provided the laboratory
1018 or laboratory employee (1) finds such testing is relevant to health or
1019 safety, and (2) does not obtain or transport marijuana outside of this
1020 state in violation of state or federal law.

1021 (b) (1) No laboratory employee acting within the scope of his or her
1022 employment shall be subject to arrest or prosecution, penalized in any
1023 manner, including, but not limited to, being subject to any civil penalty,
1024 or denied any right or privilege, including, but not limited to, being
1025 subject to any disciplinary action by a professional licensing board, for
1026 [acquiring, possessing, delivering, transporting or distributing
1027 marijuana to a licensed dispensary, a licensed producer or an
1028 organization engaged in an approved research program under the
1029 provisions of this chapter] obtaining and testing cannabis products and
1030 reporting test results pursuant to subsection (a) of this section.

1031 (2) No laboratory shall be subject to prosecution, penalized in any
1032 manner, including, but not limited to, being subject to any civil penalty
1033 or denied any right or privilege, for [acquiring, possessing, delivering,
1034 transporting or distributing marijuana to a licensed dispensary, a
1035 licensed producer or an organization engaged in an approved research
1036 program under the provisions of this chapter] obtaining and testing
1037 cannabis products and reporting test results pursuant to subsection (a)
1038 of this section.

1039 (c) Nothing in subsection (a) or (b) of this section shall be interpreted
1040 to release any laboratory employee from any requirement, obligation,
1041 responsibility or liability to any government agency arising from law or
1042 regulation or as a condition of licensing.

1043 Sec. 36. (NEW) (*Effective October 1, 2021*) (a) A person is guilty of
1044 smoking, otherwise inhaling or ingesting cannabis while operating a

1045 motor vehicle when he or she smokes, otherwise inhales or ingests a
1046 cannabis product while operating a motor vehicle upon a public
1047 highway of this state or upon any road of any specially chartered
1048 municipal association or of any district organized under the provisions
1049 of chapter 105 of the general statutes, a purpose of which is the
1050 construction and maintenance of roads and sidewalks, or in any parking
1051 area for ten cars or more or upon any private road on which a speed
1052 limit has been established in accordance with the provisions of section
1053 14-218a of the general statutes or upon any school property. No person
1054 shall be convicted of smoking or otherwise inhaling or ingesting
1055 cannabis while operating a motor vehicle and possessing or having
1056 under such person's control a controlled substance upon the same
1057 transaction. A person may be charged and prosecuted for either or each
1058 such offense, a violation of operating a motor vehicle while under the
1059 influence of any drug and any other applicable offense upon the same
1060 information.

1061 (b) Smoking, otherwise inhaling or ingesting cannabis while
1062 operating a motor vehicle is a class C misdemeanor.

1063 Sec. 37. (NEW) (*Effective October 1, 2021*) (a) A person is guilty of
1064 smoking cannabis in a motor vehicle when he or she smokes cannabis
1065 in a motor vehicle that is being operated by another person upon a
1066 public highway of this state or upon any road of any specially chartered
1067 municipal association or of any district organized under the provisions
1068 of chapter 105 of the general statutes, a purpose of which is the
1069 construction and maintenance of roads and sidewalks, or in any parking
1070 area for ten cars or more or upon any private road on which a speed
1071 limit has been established in accordance with the provisions of section
1072 14-218a of the general statutes or upon any school property. No person
1073 shall be convicted of smoking cannabis as a passenger in a motor vehicle
1074 and possessing or having under such person's control a controlled
1075 substance upon the same transaction, but such person may be charged
1076 and prosecuted for both offenses upon the same information.

1077 (b) Smoking cannabis in a motor vehicle is a class D misdemeanor.

1078 Sec. 38. (NEW) (*Effective July 1, 2021*) (a) Not later than January 1,
1079 2022, each law enforcement unit shall report to the Police Officer
1080 Standards and Training Council, in the manner specified by the council,
1081 a recommendation as to the minimum number of officers that such law
1082 enforcement unit should have accredited as drug recognition experts in
1083 order to ensure adequate availability of drug recognition experts to
1084 respond to instances of impaired driving, taking into account that law
1085 enforcement units may call upon drug recognition experts from other
1086 law enforcement units as necessary and available. Such
1087 recommendation shall be based on data on impaired driving made
1088 available to law enforcement units by the Department of Transportation
1089 and any guidance issued by the council.

1090 (b) The Police Officer Standards and Training Council, in conjunction
1091 with the Highway Safety Office within the Department of
1092 Transportation, shall determine the minimum number of police officers
1093 to be accredited as drug recognition experts for each law enforcement
1094 unit. In making such determination, the council and office shall consider
1095 the recommendation made by each law enforcement unit pursuant to
1096 subsection (a) of this section. The council and office shall submit the
1097 results of such determination to the Governor and the Secretary of the
1098 Office of Policy and Management not later than July 1, 2022.

1099 (c) Not later than April 1, 2022, the Police Officer Standards and
1100 Training Council shall develop and promulgate a model drug
1101 recognition expert policy to ensure that enough police officers become
1102 trained drug recognition experts in each law enforcement unit to meet
1103 the minimum number established in subsection (b) of this section.

1104 (d) Not later than October 1, 2022, each law enforcement unit shall
1105 adopt and maintain a written policy that meets or exceeds the standards
1106 of the model policy developed pursuant to subsection (c) of this section.

1107 (e) Not later than January 1, 2022, the Police Officer Standards and
1108 Training Council and the Highway Safety Office within the Department
1109 of Transportation shall jointly issue a plan to increase access to

1110 advanced roadside impaired driving enforcement training and drug
1111 recognition expert training for police officers and law enforcement units
1112 in the state.

1113 (f) On and after January 1, 2022, each police officer who has not yet
1114 been recertified pursuant to section 7-294e of the general statutes for the
1115 first time after receiving an initial certification, shall complete training
1116 and receive certification in advanced roadside impaired driving
1117 enforcement prior to being recertified pursuant to section 7-294e of the
1118 general statutes.

1119 (g) For purposes of this section, "advanced roadside impaired driving
1120 enforcement" means a program developed by the National Highway
1121 Traffic Safety Administration with the International Association of
1122 Chiefs of Police and the Technical Advisory Panel, which focuses on
1123 impaired driving enforcement education for police officers, or any
1124 successor to such program; "drug recognition expert" means a person
1125 certified by the International Association of Chiefs of Police as having
1126 met all requirements of the International Drug Evaluation and
1127 Classification Program; "law enforcement unit" has the same meaning
1128 as provided in section 7-294a of the general statutes; and "Police Officer
1129 Standards and Training Council" means the council established under
1130 section 7-294b of the general statutes.

1131 Sec. 39. Subsections (a) to (e), inclusive, of section 14-227a of the
1132 general statutes are repealed and the following is substituted in lieu
1133 thereof (*Effective April 1, 2022*):

1134 (a) No person shall operate a motor vehicle while under the influence
1135 of intoxicating liquor or any drug or both. A person commits the offense
1136 of operating a motor vehicle while under the influence of intoxicating
1137 liquor or any drug or both if such person operates a motor vehicle (1)
1138 while under the influence of intoxicating liquor or any drug or both, or
1139 (2) while such person has an elevated blood alcohol content. For the
1140 purposes of this section, "elevated blood alcohol content" means a ratio
1141 of alcohol in the blood of such person that is eight-hundredths of one

1142 per cent or more of alcohol, by weight, except that if such person is
1143 operating a commercial motor vehicle, "elevated blood alcohol content"
1144 means a ratio of alcohol in the blood of such person that is four-
1145 hundredths of one per cent or more of alcohol, by weight, and "motor
1146 vehicle" includes a snowmobile and all-terrain vehicle, as those terms
1147 are defined in section 14-379. For purposes of this section, section 14-
1148 227b, as amended by this act, and section 14-227c, as amended by this
1149 act, (A) "advanced roadside impaired driving enforcement" means a
1150 program developed by the National Highway Traffic Safety
1151 Administration with the International Association of Chiefs of Police
1152 and the Technical Advisory Panel, which focuses on impaired driving
1153 enforcement education for police officers, or any successor to such
1154 program; (B) "drug influence evaluation" means a twelve-part
1155 evaluation developed by the National Highway Traffic Safety
1156 Administration and the International Association of Chiefs of Police that
1157 is conducted by a drug recognition expert to determine the level of a
1158 person's impairment from the use of drugs and the drug category
1159 causing such impairment; (C) "drug recognition expert" means a person
1160 certified by the International Association of Chiefs of Police as having
1161 met all requirements of the International Drug Evaluation and
1162 Classification Program; and (D) "nontestimonial portion of a drug
1163 influence evaluation" means a drug influence evaluation conducted by
1164 a drug recognition expert that does not include a verbal interview with
1165 the subject.

1166 (b) (1) Except as provided in subsection (c) of this section, in any
1167 criminal prosecution for violation of subsection (a) of this section,
1168 evidence respecting the amount of alcohol or drug in the defendant's
1169 blood or urine at the time of the alleged offense, as shown by a chemical
1170 [analysis] test of the defendant's breath, blood or urine, shall be
1171 admissible and competent provided: [(1)] (A) The defendant was
1172 afforded a reasonable opportunity to telephone an attorney prior to the
1173 performance of the test and consented to the taking of the test upon
1174 which such analysis is made; [(2)] (B) a true copy of the report of the test
1175 result was mailed to or personally delivered to the defendant within
1176 twenty-four hours or by the end of the next regular business day, after

1177 such result was known, whichever is later; [(3)] (C) the test was
1178 performed by or at the direction of a police officer according to methods
1179 and with equipment approved by the Department of Emergency
1180 Services and Public Protection and was performed in accordance with
1181 the regulations adopted under subsection (d) of this section; [(4)] (D) the
1182 device used for such test was checked for accuracy in accordance with
1183 the regulations adopted under subsection (d) of this section; [(5)] (E) an
1184 additional chemical test of the same type was performed at least ten
1185 minutes after the initial test was performed or, if requested by the police
1186 officer for reasonable cause, an additional chemical test of a different
1187 type was performed, including a test to detect the presence of a drug or
1188 drugs other than or in addition to alcohol, provided the results of the
1189 initial test shall not be inadmissible under this subsection if reasonable
1190 efforts were made to have such additional test performed in accordance
1191 with the conditions set forth in this subsection and (i) such additional
1192 test was not performed or was not performed within a reasonable time,
1193 or (ii) the results of such additional test are not admissible for failure to
1194 meet a condition set forth in this subsection; and [(6)] (F) evidence is
1195 presented that the test was commenced within two hours of operation.
1196 In any prosecution under this section it shall be a rebuttable
1197 presumption that the results of such chemical [analysis] test establish
1198 the ratio of alcohol in the blood of the defendant at the time of the
1199 alleged offense, except that if the results of the additional test indicate
1200 that the ratio of alcohol in the blood of such defendant is ten-hundredths
1201 of one per cent or less of alcohol, by weight, and is higher than the
1202 results of the first test, evidence shall be presented that demonstrates
1203 that the test results and the analysis thereof accurately indicate the blood
1204 alcohol content at the time of the alleged offense.

1205 (2) If a law enforcement officer who is a drug recognition expert
1206 conducts a drug influence evaluation, the officer's testimony concerning
1207 such evaluation shall be admissible and competent as evidence of
1208 operation of a motor vehicle while under the influence of liquor or any
1209 drug, or both, under subdivision (1) of subsection (a) of this section.

1210 (c) In any prosecution for a violation of subdivision (1) of subsection

1211 (a) of this section, reliable evidence respecting the amount of alcohol in
1212 the defendant's blood or urine at the time of the alleged offense, as
1213 shown by a chemical analysis of the defendant's blood, breath or urine,
1214 otherwise admissible under subdivision (1) of subsection (b) of this
1215 section, shall be admissible only at the request of the defendant.

1216 (d) The Commissioner of Emergency Services and Public Protection
1217 shall ascertain the reliability of each method and type of device offered
1218 for chemical testing [and analysis purposes] of blood, of breath and of
1219 urine and certify those methods and types which [said] the
1220 commissioner finds suitable for use in testing [and analysis] of blood,
1221 breath and urine, respectively, in this state. The Commissioner of
1222 Emergency Services and Public Protection shall adopt regulations, in
1223 accordance with chapter 54, governing the conduct of chemical tests, the
1224 operation and use of chemical test devices, the training and certification
1225 of operators of such devices and the drawing or obtaining of blood,
1226 breath or urine samples as [said] the commissioner finds necessary to
1227 protect the health and safety of persons who submit to chemical tests
1228 and to insure reasonable accuracy in testing results. Such regulations
1229 shall not require recertification of a police officer solely because such
1230 officer terminates such officer's employment with the law enforcement
1231 agency for which certification was originally issued and commences
1232 employment with another such agency. A person qualified to withdraw
1233 blood or any hospital, laboratory or other clinic employing or utilizing
1234 the services of such a person shall not incur any civil liability as a result
1235 of such activities if requested by a police officer acting in accordance
1236 with this section or section 14-227c, as amended by this act, to withdraw
1237 blood unless the actions of the person while performing such activities
1238 constitute gross negligence.

1239 (e) (1) In any criminal prosecution for a violation of subsection (a) of
1240 this section, evidence that the defendant refused to submit to a blood,
1241 breath or urine test or the nontestimonial portion of a drug influence
1242 evaluation requested in accordance with section 14-227b, as amended
1243 by this act, shall be admissible provided the requirements of subsection
1244 (b) of said section have been satisfied. If a case involving a violation of

1245 subsection (a) of this section is tried to a jury, the court shall instruct the
1246 jury as to any inference that may or may not be drawn from the
1247 defendant's refusal to submit to [a blood, breath or urine test] such a test
1248 or evaluation.

1249 (2) A drug recognition expert may testify as to his or her opinion or
1250 otherwise as to the significance of any symptoms of impairment or
1251 intoxication for which evidence has been admitted or on the condition
1252 that such evidence be introduced.

1253 (3) In any prosecution for a violation of subdivision (1) of subsection
1254 (a) of this section in which it is alleged that the defendant's operation of
1255 a motor vehicle was impaired, in whole or in part, by consumption of
1256 cannabis, cannabis products or THC, the court may take judicial notice
1257 that the ingestion of THC (A) can impair a person's ability to operate a
1258 motor vehicle; (B) can impair a person's motor function, reaction time,
1259 tracking ability, cognitive attention, decision-making, judgment,
1260 perception, peripheral vision, impulse control and memory; and (C)
1261 does not enhance a person's ability to safely operate a motor vehicle. For
1262 the purposes of this subdivision, "cannabis" and "cannabis products"
1263 have the same meaning as provided in section 1 of this act and "THC"
1264 means tetrahydrocannabinol and any material, compound, mixture or
1265 preparation which contain their salts, isomers and salts of isomers,
1266 whenever the existence of such salts, isomers and salts of isomers is
1267 possible within the specific chemical designation, regardless of the
1268 source, except: (i) Dronabinol in sesame oil and encapsulated in a soft
1269 gelatin capsule in a federal Food and Drug Administration approved
1270 product, and (ii) any tetrahydrocannabinol product that has been
1271 approved by the federal Food and Drug Administration or successor
1272 agency to have a medical use and reclassified in any schedule of
1273 controlled substances or unscheduled by the federal Drug Enforcement
1274 Administration or successor agency.

1275 Sec. 40. Section 14-227b of the general statutes is repealed and the
1276 following is substituted in lieu thereof (*Effective April 1, 2022*):

1277 (a) Any person who operates a motor vehicle in this state shall be

1278 deemed to have given such person's consent to: [a] (1) A chemical
1279 [analysis] test of such person's blood, breath or urine; [and, if] and (2) a
1280 nontestimonial portion of a drug influence evaluation conducted by a
1281 drug recognition expert. If such person is a minor, such person's parent
1282 or parents or guardian shall also be deemed to have given their consent
1283 for such test or evaluation.

1284 [(b) If any such person, having been placed under arrest for a
1285 violation of section 14-227a or 14-227m or subdivision (1) or (2) of
1286 subsection (a) of section 14-227n, and thereafter, after being apprised of
1287 such person's constitutional rights, having been requested to submit to
1288 a blood, breath or urine test at the option of the police officer, having
1289 been afforded a reasonable opportunity to telephone an attorney prior
1290 to the performance of such test and having been informed that such
1291 person's license or nonresident operating privilege may be suspended
1292 in accordance with the provisions of this section if such person refuses
1293 to submit to such test, or if such person submits to such test and the
1294 results of such test indicate that such person has an elevated blood
1295 alcohol content, and that evidence of any such refusal shall be
1296 admissible in accordance with subsection (e) of section 14-227a and may
1297 be used against such person in any criminal prosecution, refuses to
1298 submit to the designated test, the test shall not be given; provided, if the
1299 person refuses or is unable to submit to a blood test, the police officer
1300 shall designate the breath or urine test as the test to be taken. The police
1301 officer shall make a notation upon the records of the police department
1302 that such officer informed the person that such person's license or
1303 nonresident operating privilege may be suspended if such person
1304 refused to submit to such test or if such person submitted to such test
1305 and the results of such test indicated that such person had an elevated
1306 blood alcohol content.]

1307 (b) (1) A police officer who has placed a person under arrest for a
1308 violation of section 14-227a, as amended by this act, 14-227m or
1309 subdivision (1) or (2) of subsection (a) of section 14-227n may request
1310 that such person submit to a blood, breath or urine test at the option of
1311 the police officer, a drug influence evaluation conducted by a drug

1312 recognition expert, or both, after such person has been (A) apprised of
1313 such person's constitutional rights; (B) afforded a reasonable
1314 opportunity to telephone an attorney prior to the performance of such
1315 test or evaluation; (C) informed that evidence of any refusal to submit
1316 to such test or evaluation shall be admissible in accordance with
1317 subsection (e) of section 14-227a, as amended by this act, and may be
1318 used against such person in any criminal prosecution, except that
1319 refusal to submit to the testimonial portions of a drug influence
1320 evaluation shall not be considered evidence of refusal of such evaluation
1321 for purposes of any criminal prosecution; and (D) informed that such
1322 person's license or operating privilege may be suspended in accordance
1323 with the provisions of this section if (i) such person refuses to submit to
1324 such test or the nontestimonial portion of a drug influence evaluation,
1325 (ii) such person submits to such test and the results of such test indicate
1326 that such person has an elevated blood alcohol content, or (iii) the officer
1327 believes there is substantial evidence to conclude that such person was
1328 operating a motor vehicle under the influence of intoxicating liquor or
1329 any drug, or both.

1330 (2) If the person refuses to submit to any test or drug influence
1331 evaluation, the test or evaluation shall not be given, except if the person
1332 refuses or is unable to submit to a blood test, the police officer shall
1333 designate another test to be taken. If a person submits to a breath test
1334 and the results indicate that the person does not have an elevated blood
1335 alcohol content, the police officer may request that the person submit to
1336 a different type of test, except that if such person refuses or is unable to
1337 submit to a blood test, the officer shall designate a urine test to be taken.
1338 The police officer shall make a notation upon the records of the law
1339 enforcement unit, as defined in section 7-294a, that such officer
1340 informed the person that such person's license or operating privilege
1341 may be suspended if (A) such person refused to submit to such test or
1342 nontestimonial portion of a drug influence evaluation; (B) such person
1343 submitted to such test and the results of such test indicated that such
1344 person had an elevated blood alcohol content; or (C) the officer believes
1345 there is substantial evidence to conclude that such person was operating
1346 a motor vehicle under the influence of intoxicating liquor or any drug,

1347 or both.

1348 (c) If the person arrested refuses to submit to such test or [analysis]
1349 nontestimonial portion of a drug influence evaluation or submits to such
1350 test, [or analysis,] commenced within two hours of the time of operation,
1351 and the results of such test [or analysis] indicate that such person has an
1352 elevated blood alcohol content, the police officer, acting on behalf of the
1353 Commissioner of Motor Vehicles, shall immediately revoke and take
1354 possession of the motor vehicle operator's license or, if such person is
1355 not licensed or is a nonresident, suspend the [nonresident] operating
1356 privilege of such person, for a twenty-four-hour period. The police
1357 officer shall prepare a report of the incident and shall mail or otherwise
1358 transmit in accordance with this subsection the report and a copy of the
1359 results of any chemical test [or analysis] to the Department of Motor
1360 Vehicles within three business days, except that failure of an officer to
1361 mail or transmit such report within three business days shall not impact
1362 a decision to suspend such person's license or operating privilege and
1363 shall not render such report inadmissible at a hearing under this section.
1364 The report shall contain such information as prescribed by the
1365 Commissioner of Motor Vehicles and shall be subscribed and sworn to
1366 under penalty of false statement as provided in section 53a-157b by the
1367 arresting officer. If the person arrested refused to submit to such test or
1368 [analysis] evaluation, the report shall be endorsed by a third person who
1369 witnessed such refusal. The report shall set forth the grounds for the
1370 officer's belief that there was probable cause to arrest such person for a
1371 violation of section 14-227a, as amended by this act, or 14-227m or
1372 subdivision (1) or (2) of subsection (a) of section 14-227n and shall state
1373 that such person had refused to submit to such test or [analysis]
1374 evaluation when requested by such police officer to do so or that such
1375 person submitted to such test, [or analysis,] commenced within two
1376 hours of the time of operation, and the results of such test [or analysis]
1377 indicated that such person had an elevated blood alcohol content. The
1378 Commissioner of Motor Vehicles may accept a police report under this
1379 subsection that is prepared and transmitted as an electronic record,
1380 including electronic signature or signatures, subject to such security
1381 procedures as the commissioner may specify and in accordance with the

1382 provisions of sections 1-266 to 1-286, inclusive. In any hearing
1383 conducted pursuant to the provisions of subsection (g) of this section, it
1384 shall not be a ground for objection to the admissibility of a police report
1385 that it is an electronic record prepared by electronic means.

1386 [(d) If the person arrested submits to a blood or urine test at the
1387 request of the police officer, and the specimen requires laboratory
1388 analysis in order to obtain the test results, the police officer shall not take
1389 possession of the motor vehicle operator's license of such person or,
1390 except as provided in this subsection, follow the procedures subsequent
1391 to taking possession of the operator's license as set forth in subsection
1392 (c) of this section. If the test results indicate that such person has an
1393 elevated blood alcohol content, the police officer, immediately upon
1394 receipt of the test results, shall notify the Commissioner of Motor
1395 Vehicles and submit to the commissioner the written report required
1396 pursuant to subsection (c) of this section.]

1397 (d) If a police officer who has placed a person under arrest for a
1398 violation of section 14-227a, as amended by this act, 14-227m or
1399 subdivision (1) or (2) of subsection (a) of section 14-227n does not
1400 request that such person submit to a blood, breath or urine test under
1401 subsection (b) of this section, or obtains results from a test administered
1402 under subsection (b) of this section that indicate that the person does not
1403 have an elevated blood alcohol content, such officer shall:

1404 (1) Advise such person that such person's license or operating
1405 privilege may be suspended in accordance with the provisions of this
1406 section if such police officer believes there is substantial evidence to
1407 conclude that such person was operating a motor vehicle under the
1408 influence of intoxicating liquor or any drug, or both; and

1409 (2) Submit a report to the commissioner in accordance with the
1410 procedure set forth in subsection (c) of this section and, if such report
1411 contains the results of a blood, breath or urine test that does not show
1412 an elevated blood alcohol content, such report shall conform to the
1413 requirements in subsection (c) of this section for reports that contain
1414 results showing an elevated blood alcohol content. In any report

1415 submitted under this subdivision, the officer shall document (A) the
1416 basis for the officer's belief that there was probable cause to arrest such
1417 person for a violation of section 14-227a, as amended by this act, or 14-
1418 227m or subdivision (1) or (2) of subsection (a) of section 14-227n, and
1419 (B) whether the officer believes that there is substantial evidence to
1420 conclude that the person was operating a motor vehicle under the
1421 influence of intoxicating liquor or any drug, or both. With such report,
1422 the officer may submit other supporting documentation indicating the
1423 person's intoxication by liquor or any drug, or both. If the officer
1424 believes there is substantial evidence to conclude that the person was
1425 operating a motor vehicle under the influence of intoxicating liquor or
1426 any drug, or both, the officer shall immediately revoke and take
1427 possession of the motor vehicle operator's license or, if such person is
1428 not licensed or is a nonresident, suspend the operating privilege of such
1429 person for a twenty-four-hour period.

1430 (e) (1) Except as provided in subdivision (2) of this subsection, upon
1431 receipt of [such] a report submitted under subsection (c) or (d) of this
1432 section, the [Commissioner of Motor Vehicles] commissioner may
1433 suspend any operator's license or [nonresident] operating privilege of
1434 such person effective as of a date certain, which date certain shall be not
1435 later than thirty days [after] from the later of the date such person
1436 received (A) notice of such person's arrest by the police officer, or (B) the
1437 results of a blood or urine test or a drug influence evaluation. Any
1438 person whose operator's license or [nonresident] operating privilege has
1439 been suspended in accordance with this subdivision shall automatically
1440 be entitled to a hearing before the commissioner to be held in accordance
1441 with the provisions of chapter 54 and prior to the effective date of the
1442 suspension. The commissioner shall send a suspension notice to such
1443 person informing such person that such person's operator's license or
1444 [nonresident] operating privilege is suspended as of a date certain and
1445 that such person is entitled to a hearing prior to the effective date of the
1446 suspension and may schedule such hearing by contacting the
1447 Department of Motor Vehicles not later than seven days after the date
1448 of mailing of such suspension notice.

1449 (2) [If the person arrested (A) is] Upon receipt of a report that (A) the
1450 person's arrest involved [in] an accident resulting in a fatality, or (B) the
1451 person has previously had such person's operator's license or
1452 [nonresident] operating privilege suspended under the provisions of
1453 section 14-227a, as amended by this act, 14-227m or 14-227n, as amended
1454 by this act, during the ten-year period preceding the present arrest,
1455 [upon receipt of such report, the Commissioner of Motor Vehicles] the
1456 commissioner may suspend any operator's license or [nonresident]
1457 operating privilege of such person effective as of the date specified in a
1458 notice of such suspension to such person. [Any] A person whose
1459 operator's license or [nonresident] operating privilege has been
1460 suspended in accordance with this subdivision shall automatically be
1461 entitled to a hearing before the commissioner, to be held in accordance
1462 with the provisions of chapter 54. The commissioner shall send a
1463 suspension notice to such person informing such person that such
1464 person's operator's license or [nonresident] operating privilege is
1465 suspended as of the date specified in such suspension notice, and that
1466 such person is entitled to a hearing and may schedule such hearing by
1467 contacting the Department of Motor Vehicles not later than seven days
1468 after the date of mailing of such suspension notice. Any suspension
1469 issued under this subdivision shall remain in effect until such
1470 suspension is affirmed under subsection (f) of this section or such
1471 operator's license or [nonresident] operating privilege is reinstated in
1472 accordance with [subsections (f) and] subsection (h) of this section.

1473 (f) If such person does not contact the department to schedule a
1474 hearing, the commissioner shall affirm the suspension contained in the
1475 suspension notice for the appropriate period specified in subsection (i)
1476 of this section.

1477 (g) (1) If such person contacts the department to schedule a hearing,
1478 the department shall assign a date, time and place for the hearing, which
1479 date shall be prior to the effective date of the suspension, except that,
1480 with respect to a person whose operator's license or [nonresident]
1481 operating privilege is suspended in accordance with subdivision (2) of
1482 subsection (e) of this section, such hearing shall be scheduled not later

1483 than thirty days after such person contacts the department. At the
1484 request of such person, the hearing officer or the department and upon
1485 a showing of good cause, the commissioner may grant one or more
1486 continuances. [The hearing]

1487 (2) A hearing based on a report submitted under subsection (c) of this
1488 section shall be limited to a determination of the following issues: [(1)]
1489 (A) Did the police officer have probable cause to arrest the person for
1490 operating a motor vehicle while under the influence of intoxicating
1491 liquor or any drug, or both; [(2)] (B) was such person placed under
1492 arrest; [(3)] (C) did such person (i) refuse to submit to such test or
1493 [analysis or did such person] nontestimonial portion of a drug influence
1494 evaluation, or (ii) submit to such test, [or analysis,] commenced within
1495 two hours of the time of operation, and the results of such test [or
1496 analysis] indicated that such person had an elevated blood alcohol
1497 content; and [(4)] (D) was such person operating the motor vehicle.

1498 (3) A hearing based on a report submitted under subsection (d) of this
1499 section shall be limited to a determination of the following issues: (A)
1500 Did the police officer have probable cause to arrest the person for
1501 operating a motor vehicle while under the influence of intoxicating
1502 liquor or any drug, or both; (B) was such person placed under arrest; (C)
1503 is there substantial evidence to conclude that such person was operating
1504 a motor vehicle under the influence of intoxicating liquor or any drug,
1505 or both; and (D) was such person operating the motor vehicle.

1506 (4) In [the] a hearing under this subsection, the results of the test, [or
1507 analysis] if administered, shall be sufficient to indicate the ratio of
1508 alcohol in the blood of such person at the time of operation, provided
1509 such test was commenced within two hours of the time of operation.
1510 The fees of any witness summoned to appear at [the] a hearing under
1511 this subsection shall be the same as provided by the general statutes for
1512 witnesses in criminal cases. Notwithstanding the provisions of
1513 subsection (a) of section 52-143, any subpoena summoning a police
1514 officer as a witness shall be served not less than seventy-two hours prior
1515 to the designated time of the hearing.

1516 (5) In a hearing based on a report submitted under subsection (d) of
1517 this section, evidence of operation under the influence of intoxicating
1518 liquor or any drug, or both shall be admissible. Such evidence may
1519 include, but need not be limited to, (A) the police officer's observations
1520 of intoxication, as documented in a report submitted to the
1521 commissioner under subsection (d) of this section; (B) the results of any
1522 chemical test administered under this section or a toxicology report
1523 certified by the Division of Scientific Services within the Department of
1524 Emergency Services and Public Protection; (C) hospital or medical
1525 records obtained in accordance with subsection (j) of this section or by
1526 the consent of the operator; (D) the results of any tests conducted by, or
1527 the report of, an officer trained in advanced roadside impaired driving
1528 enforcement; or (E) reports of drug recognition experts.

1529 (h) If, after [such] a hearing under subdivision (2) of subsection (g) of
1530 this section, the commissioner finds in the negative on any one of the
1531 [said] issues [in the negative] specified in subparagraph (A), (B), (C) or
1532 (D) of said subdivision, the commissioner shall reinstate such license or
1533 operating privilege. If, after a hearing under subdivision (3) of
1534 subsection (g) of this section, the commissioner finds in the negative on
1535 any one of the issues specified in subparagraph (A), (B), (C) or (D) of
1536 said subdivision, the commissioner shall reinstate such license or
1537 operating privilege. If, after such hearing under subdivision (2) or (3) of
1538 subsection (g) of this section, the commissioner does not find on any one
1539 of [the] said issues in the negative or if such person fails to appear at
1540 such hearing, the commissioner shall affirm the suspension contained
1541 in the suspension notice for the appropriate period specified in
1542 subsection (i) of this section. The commissioner shall render a decision
1543 at the conclusion of such hearing and send a notice of the decision by
1544 bulk certified mail to such person. The notice of such decision sent by
1545 bulk certified mail to the address of such person as shown by the records
1546 of the commissioner shall be sufficient notice to such person that such
1547 person's operator's license or [nonresident] operating privilege is
1548 reinstated or suspended, as the case may be.

1549 (i) (1) The commissioner shall suspend the operator's license or

1550 [nonresident] operating privilege of a person who did not contact the
1551 department to schedule a hearing, who failed to appear at a hearing, or
1552 against whom a decision was issued, after a hearing, pursuant to
1553 subsection (h) of this section, as of the effective date contained in the
1554 suspension notice, for a period of forty-five days. As a condition for the
1555 restoration of such operator's license or [nonresident] operating
1556 privilege, such person shall be required to install an ignition interlock
1557 device on each motor vehicle owned or operated by such person and,
1558 upon such restoration, be prohibited from operating a motor vehicle
1559 unless such motor vehicle is equipped with a functioning, approved
1560 ignition interlock device, as defined in section 14-227j, for the longer of
1561 either (A) the period prescribed in subdivision (2) of this subsection for
1562 the present arrest and suspension, or (B) the period prescribed in
1563 subdivision (1), (2) or (3) of subsection (g) of section 14-227a or
1564 subdivision (1), (2) or (3) of subsection (c) of section 14-227m or
1565 subdivision (1) or (2) of subsection (c) of section 14-227n for the present
1566 arrest and conviction, if any.

1567 (2) (A) A person twenty-one years of age or older at the time of the
1568 arrest who submitted to a test [or analysis] and the results of such test
1569 [or analysis] indicated that such person had an elevated blood alcohol
1570 content, or was found to have been operating a motor vehicle under the
1571 influence of intoxicating liquor or any drug, or both based on a report
1572 filed pursuant to subsection (d) of this section, shall install and maintain
1573 an ignition interlock device for the following periods: (i) For a first
1574 suspension under this section, six months; (ii) for a second suspension
1575 under this section, one year; and (iii) for a third or subsequent
1576 suspension under this section, two years; (B) a person under twenty-one
1577 years of age at the time of the arrest who submitted to a test [or analysis]
1578 and the results of such test [or analysis] indicated that such person had
1579 an elevated blood alcohol content, or was found to have been operating
1580 a motor vehicle under the influence of intoxicating liquor or any drug,
1581 or both based on a report filed pursuant to subsection (d) of this section,
1582 shall install and maintain an ignition interlock device for the following
1583 periods: (i) For a first suspension under this section, one year; (ii) for a
1584 second suspension under this section, two years; and (iii) for a third or

1585 subsequent suspension under this section, three years; and (C) a person,
1586 regardless of age, who refused to submit to a test or [analysis]
1587 nontestimonial portion of a drug influence evaluation shall install and
1588 maintain an ignition interlock device for the following periods: (i) For a
1589 first suspension under this section, one year; (ii) for a second suspension
1590 under this section, two years; and (iii) for a third or subsequent
1591 suspension, under this section, three years.

1592 (3) Notwithstanding the provisions of subdivisions (1) and (2) of this
1593 subsection, a person whose motor vehicle operator's license or
1594 [nonresident] operating privilege has been permanently revoked upon
1595 a third offense pursuant to subsection (g) of section 14-227a, as amended
1596 by this act, or subsection (c) of section 14-227m shall be subject to the
1597 penalties prescribed in subdivision (2) of subsection (i) of section 14-111.

1598 (j) Notwithstanding the provisions of subsections (b) to (i), inclusive,
1599 of this section, any police officer who obtains the results of a [chemical
1600 analysis] test of a blood sample taken from or a urine sample provided
1601 by an operator of a motor vehicle who was involved in an accident and
1602 suffered or allegedly suffered physical injury in such accident, or who
1603 was otherwise deemed by a police officer to require treatment or
1604 observation at a hospital, shall notify the [Commissioner of Motor
1605 Vehicles] commissioner and submit to the commissioner a written
1606 report if such results indicate that such person had an elevated blood
1607 alcohol content, or any quantity of an intoxicating liquor or any drug, or
1608 both, in such person's blood, and if such person was arrested for
1609 violation of section 14-227a, as amended by this act, or 14-227m or
1610 subdivision (1) or (2) of subsection (a) of section 14-227n. The report
1611 shall be made on a form approved by the commissioner containing such
1612 information as the commissioner prescribes, and shall be subscribed and
1613 sworn to under penalty of false statement, as provided in section 53a-
1614 157b, by the police officer. The commissioner may, after notice and an
1615 opportunity for hearing, which shall be conducted by a hearing officer
1616 on behalf of the commissioner in accordance with chapter 54, suspend
1617 the motor vehicle operator's license or [nonresident] operating privilege
1618 of such person for the appropriate period of time specified in subsection

1619 (i) of this section and require such person to install and maintain an
1620 ignition interlock device for the appropriate period of time prescribed
1621 in subsection (i) of this section. Each hearing conducted under this
1622 subsection shall be limited to a determination of the following issues: (1)
1623 Whether the police officer had probable cause to arrest the person for
1624 operating a motor vehicle while under the influence of intoxicating
1625 liquor or drug, or both; (2) whether such person was placed under
1626 arrest; (3) whether such person was operating the motor vehicle; (4)
1627 whether the results of the analysis of the blood or urine of such person
1628 indicate that such person had an elevated blood alcohol content, or there
1629 is substantial evidence to conclude that the person was operating a
1630 motor vehicle under the influence of intoxicating liquor or any drug, or
1631 both; and (5) in the event that a blood sample was taken, whether the
1632 blood sample was obtained in accordance with conditions for
1633 admissibility and competence as evidence as set forth in subsection (k)
1634 of section 14-227a. If, after such hearing, the commissioner finds on any
1635 one of the said issues in the negative, the commissioner shall not impose
1636 a suspension. The fees of any witness summoned to appear at the
1637 hearing shall be the same as provided by the general statutes for
1638 witnesses in criminal cases, as provided in section 52-260.

1639 (k) The provisions of this section shall apply with the same effect to
1640 the refusal by any person to submit to an additional chemical test as
1641 provided in subparagraph (E) of subdivision [(5)] (1) of subsection (b)
1642 of section 14-227a, as amended by this act.

1643 (l) The provisions of this section shall not apply to any person whose
1644 physical condition is such that, according to competent medical advice,
1645 such test would be inadvisable.

1646 (m) The state shall pay the reasonable charges of any physician who,
1647 at the request of a [municipal police department] law enforcement unit,
1648 as defined in section 7-294a, takes a blood sample for purposes of a test
1649 under the provisions of this section.

1650 (n) For the purposes of this section, "elevated blood alcohol content"
1651 means (1) a ratio of alcohol in the blood of such person that is eight-

1652 hundredths of one per cent or more of alcohol, by weight, (2) if such
1653 person is operating a commercial motor vehicle, a ratio of alcohol in the
1654 blood of such person that is four-hundredths of one per cent or more of
1655 alcohol, by weight, or (3) if such person is less than twenty-one years of
1656 age, a ratio of alcohol in the blood of such person that is two-hundredths
1657 of one per cent or more of alcohol, by weight.

1658 (o) The Commissioner of Motor Vehicles shall adopt regulations, in
1659 accordance with chapter 54, to implement the provisions of this section.

1660 Sec. 41. Section 14-227c of the general statutes is repealed and the
1661 following is substituted in lieu thereof (*Effective April 1, 2022*):

1662 (a) As part of the investigation of any motor vehicle accident resulting
1663 in the death of a person, the Chief Medical Examiner, Deputy Chief
1664 Medical Examiner, an associate medical examiner, a pathologist as
1665 specified in section 19a-405, or an authorized assistant medical
1666 examiner, as the case may be, shall order that a blood sample be taken
1667 from the body of any operator or pedestrian who dies as a result of such
1668 accident. Such blood samples shall be examined for the presence and
1669 concentration of alcohol and any drug by the Division of Scientific
1670 Services within the Department of Emergency Services and Public
1671 Protection or by the Office of the Chief Medical Examiner, or by any
1672 forensic toxicology laboratory pursuant to an agreement with the office.
1673 Nothing in this subsection or section 19a-406 shall be construed as
1674 requiring such medical examiner to perform an autopsy in connection
1675 with obtaining such blood samples.

1676 (b) [A blood or breath sample shall be obtained from any surviving
1677 operator whose motor vehicle is involved in an accident resulting in the
1678 serious physical injury, as defined in section 53a-3, or death of another
1679 person, if] If any surviving operator whose motor vehicle is involved in
1680 an accident resulting in the serious physical injury, as defined in section
1681 53a-3, or death of another person, and (1) a police officer has probable
1682 cause to believe that such operator operated such motor vehicle while
1683 under the influence of intoxicating liquor or any drug, or both, or (2)
1684 such operator has been charged with a motor vehicle violation in

1685 connection with such accident and a police officer has a reasonable and
1686 articulable suspicion that such operator operated such motor vehicle
1687 while under the influence of intoxicating liquor or any drug, or both;

1688 (A) A blood, breath or urine sample shall be obtained from such
1689 surviving operator. The test shall be performed by or at the direction of
1690 a police officer according to methods and with equipment approved by
1691 the Department of Emergency Services and Public Protection and shall
1692 be performed by a person certified or recertified for such purpose by
1693 said department or recertified by persons certified as instructors by the
1694 Commissioner of Emergency Services and Public Protection. The
1695 equipment used for such test shall be checked for accuracy by a person
1696 certified by the Department of Emergency Services and Public
1697 Protection immediately before and after such test is performed. If a
1698 blood test is performed, it shall be on a blood sample taken by a person
1699 licensed to practice medicine and surgery in this state, a qualified
1700 laboratory technician, a registered nurse, a physician assistant or a
1701 phlebotomist. [The blood samples] A blood sample obtained from an
1702 operator pursuant to this subsection shall be examined for the presence
1703 and concentration of alcohol and any drug by the Division of Scientific
1704 Services within the Department of Emergency Services and Public
1705 Protection; [.] and

1706 (B) A drug recognition expert shall conduct a drug influence
1707 evaluation of such surviving operator, provided such operator is not
1708 seriously injured or otherwise unable to take such evaluation as a result
1709 of the accident.

1710 (c) Each police officer who obtains from a surviving operator any
1711 blood, breath or urine sample or a drug influence evaluation conducted
1712 on such operator pursuant to subsection (b) of this section shall submit
1713 to the Commissioner of Motor Vehicles a written report providing the
1714 results of such sample or evaluation on a form approved by the
1715 commissioner. The commissioner may, after notice and an opportunity
1716 for a hearing held in accordance with chapter 54 and section 14-227b, as
1717 amended by this act, suspend the motor vehicle operator's license or

1718 operating privilege of such person and require such person to install and
1719 maintain an ignition interlock device as provided for in subsection (i) of
1720 section 14-227b, as amended by this act. Such hearing shall be limited to
1721 a determination of the following issues: (1) Was the person operating
1722 the motor vehicle; (2) was the person's sample obtained in accordance
1723 with, or drug influence evaluation conducted pursuant to, the
1724 provisions of subsection (b) of this section; and (3) was the examined
1725 sample found to have an elevated blood alcohol content, as defined in
1726 section 14-227b, as amended by this act, or was there substantial
1727 evidence that the person was operating the motor vehicle under the
1728 influence of intoxicating liquor or any drug, or both.

1729 (d) In any motor vehicle accident resulting in the death of a person,
1730 the law enforcement unit, as defined in section 7-294a, responding to the
1731 accident shall assign an officer trained in advanced roadside impaired
1732 driving enforcement to respond, if such an officer is available.

1733 Sec. 42. Subsection (c) of section 14-44k of the general statutes is
1734 repealed and the following is substituted in lieu thereof (*Effective April*
1735 *1, 2022*):

1736 (c) In addition to any other penalties provided by law, and except as
1737 provided in subsection (d) of this section, a person is disqualified from
1738 operating a commercial motor vehicle for one year if the commissioner
1739 finds that such person (1) has refused to submit to a test to determine
1740 such person's blood alcohol concentration while operating any motor
1741 vehicle [, or has failed such a test when given,] or to a nontestimonial
1742 portion of a drug influence evaluation conducted by a drug recognition
1743 expert, (2) has an elevated blood alcohol content based on such a test
1744 pursuant to section 14-227b, as amended by this act, or (3) was found to
1745 have been operating under the influence of intoxicating liquor or any
1746 drug, or both based on a report filed pursuant to the provisions of
1747 subsection (d) of section 14-227b, as amended by this act, or pursuant to
1748 the provisions of a law of any other state that is deemed by the
1749 commissioner to be substantially similar to section 14-227b, as amended
1750 by this act. For the purpose of this subsection, [a person shall be deemed

1751 to have failed such a test if, when driving a commercial motor vehicle,
1752 the ratio of alcohol in the blood of such person was four-hundredths of
1753 one per cent or more of alcohol, by weight, or if, when driving any other
1754 motor vehicle, the ratio of alcohol in the blood of such person was eight-
1755 hundredths of one per cent or more of alcohol, by weight] "drug
1756 recognition expert" and "nontestimonial portion of a drug influence
1757 evaluation" have the same meanings as provided in section 14-227a, as
1758 amended by this act.

1759 Sec. 43. (NEW) (*Effective July 1, 2021*) The state Traffic Safety Resource
1760 Prosecutor, in consultation with the Department of Transportation, the
1761 Department of Motor Vehicles, the state-wide drug recognition expert
1762 coordinator and the Connecticut Police Chiefs Association, shall seek
1763 any guidance available from the National Highway Traffic Safety
1764 Administration, and shall (1) develop educational materials and
1765 programs about the drug recognition expert program and drug
1766 influence evaluations, and (2) make such materials and programs
1767 available to the Judicial Branch and the Connecticut Judges Association.

1768 Sec. 44. Section 15-140q of the general statutes is repealed and the
1769 following is substituted in lieu thereof (*Effective April 1, 2022*):

1770 (a) Any person who operates a vessel in this state shall be deemed to
1771 have consented to (1) a chemical [analysis] test of such person's blood,
1772 breath or urine, [and if] and (2) a nontestimonial portion of a drug
1773 influence evaluation conducted by a drug recognition expert. If such
1774 person is a minor, such person's parent or parents or guardian shall also
1775 be deemed to have given their consent for such [an analysis of the
1776 minor's blood, breath or urine] test or evaluation.

1777 [(b) If any such person, having been placed under arrest for: (1)
1778 Violating subsection (b) of section 53-206d; (2) operating a vessel upon
1779 the waters of this state while under the influence of intoxicating liquor
1780 or any drug, or both; (3) operating a vessel upon the waters of this state
1781 while such person has an elevated blood alcohol content, and thereafter,
1782 after being apprised of such person's constitutional rights, having been
1783 requested to submit to a blood, breath or urine test at the option of the

1784 police officer, having been afforded a reasonable opportunity to
1785 telephone an attorney prior to the performance of such test and having
1786 been informed that such person's safe boating certificate, right to
1787 operate a vessel that requires a safe boating certificate for operation or
1788 certificate of personal watercraft operation issued by the commissioner
1789 as a condition of operating a vessel shall be suspended in accordance
1790 with the provisions of this section if such person refuses to submit to
1791 such test or if such person submits to such test and the results of such
1792 test indicate that such person has an elevated blood alcohol content and
1793 that evidence of any such refusal shall be admissible in accordance with
1794 subsection (d) of section 15-140r, and may be used against such person
1795 in any criminal prosecution, refuses to submit to the designated test, the
1796 test shall not be given; provided, if such person refuses or is unable to
1797 submit to a blood test, the peace officer shall designate the breath or
1798 urine test as the test to be taken. The peace officer shall make a notation
1799 upon the records of the police department that such officer informed
1800 such person that such person's safe boating certificate, right to operate
1801 a vessel that requires a safe boating certificate for operation or certificate
1802 of personal watercraft operation would be suspended if such person
1803 refused to submit to such test or if such person submitted to such test
1804 and the results of such test indicated that such person has an elevated
1805 blood alcohol content.]

1806 (b) (1) A peace officer who has placed a person under arrest for
1807 violating subsection (b) of section 53-206d; operating a vessel upon the
1808 waters of this state while under the influence of intoxicating liquor or
1809 any drug, or both; or operating a vessel upon the waters of this state
1810 while such person has an elevated blood alcohol content, may request
1811 that such person submit to a blood, breath or urine test at the option of
1812 the peace officer, a drug influence evaluation conducted by a drug
1813 recognition expert, or both, after such person has been (A) apprised of
1814 such person's constitutional rights, (B) afforded a reasonable
1815 opportunity to telephone an attorney prior to the performance of such
1816 test or evaluation, (C) informed that evidence of any refusal to submit
1817 to such test or evaluation shall be admissible in accordance with
1818 subsection (d) of section 15-140r, as amended by this act, and may be

1819 used against such person in any criminal prosecution, except that
1820 refusal to submit to the testimonial portions of a drug influence
1821 evaluation shall not be considered evidence of refusal of such evaluation
1822 for purposes of any criminal prosecution, and (D) informed that such
1823 person's safe boating certificate, right to operate a vessel that requires a
1824 safe boating certificate for operation or certificate of personal watercraft
1825 operation issued by the commissioner as a condition of operating a
1826 vessel may be suspended in accordance with the provisions of this
1827 section if (i) such person refuses to submit to such test or nontestimonial
1828 portion of a drug influence evaluation, (ii) such person submits to such
1829 test and the results of such test indicate that such person has an elevated
1830 blood alcohol content, or (iii) the officer believes there is substantial
1831 evidence to conclude that such person was operating a vessel under the
1832 influence of intoxicating liquor or any drug, or both.

1833 (2) If the person refuses to submit to any test or drug influence
1834 evaluation, the test or evaluation shall not be given, except that if the
1835 person refuses or is unable to submit to a blood test, the peace officer
1836 shall designate another test to be taken. If a person submits to a breath
1837 test and the results indicate that the person does not have an elevated
1838 blood alcohol content, the peace officer may request that the person
1839 submit to a different type of test, except that if the person refuses or is
1840 unable to submit to a blood test, the peace officer shall designate a urine
1841 test to be taken. The peace officer shall make a notation upon the records
1842 of the law enforcement unit, as defined in section 7-294a, that such
1843 officer informed the person that such person's safe boating certificate,
1844 right to operate a vessel that requires a safe boating certificate for
1845 operation or certificate of personal watercraft operation may be
1846 suspended if such person (A) refused to submit to such test or the
1847 nontestimonial portion of a drug influence evaluation; (B) submitted to
1848 such test and the results of such test indicated that such person had an
1849 elevated blood alcohol content; or (C) the officer believes there is
1850 substantial evidence to conclude that such person was operating a
1851 vessel under the influence of intoxicating liquor or any drug, or both.

1852 (c) If the person arrested refuses to submit to such test or [analysis]

1853 nontestimonial portion of a drug influence evaluation, or submits to
1854 such test [or analysis] and the results of such test [or analysis] indicate
1855 that at the time of the alleged offense such person had an elevated blood
1856 alcohol content, the peace officer shall immediately revoke the safe
1857 boating certificate, right to operate a vessel that requires a safe boating
1858 certificate for operation or certificate of personal watercraft operation, if
1859 any, of such person for a twenty-four-hour period. The peace officer
1860 shall prepare a written report of the incident and shall mail the report,
1861 together with any certificate taken into possession and a copy of the
1862 results of any chemical test, [or analysis,] to the commissioner within
1863 three business days, except that failure of an officer to mail or transmit
1864 such report within three business days shall not impact a decision to
1865 suspend a safe boating certificate, right to operate a vessel that requires
1866 a safe boating certificate for operation or certificate of personal
1867 watercraft operation issued by the commissioner as a condition of
1868 operating a vessel and shall not render such report inadmissible at a
1869 hearing under this section. The report shall be made on a form approved
1870 by the commissioner and shall be subscribed and sworn to under
1871 penalty of false statement as provided in section 53a-157b by the peace
1872 officer before whom such refusal was made or who administered or
1873 caused to be administered such test, [or analysis.] If the person arrested
1874 refused to submit to such test or [analysis] evaluation, the report shall
1875 be endorsed by a third person who witnessed such refusal. The report
1876 shall set forth the grounds for the officer's belief that there was probable
1877 cause to arrest such person for operating such vessel while under the
1878 influence of intoxicating liquor or any drug, or both, or while such
1879 person has an elevated blood alcohol content and shall state that such
1880 person refused to submit to such test or [analysis] evaluation when
1881 requested by such peace officer or that such person submitted to such
1882 test [or analysis] and the results of such test [or analysis] indicated that
1883 such person at the time of the alleged offense had an elevated blood
1884 alcohol content.

1885 [(d) If the person arrested submits to a blood or urine test at the
1886 request of the peace officer, and the specimen requires laboratory
1887 analysis in order to obtain the test results, and if the test results indicate

1888 that such person has an elevated blood alcohol content, the peace officer,
1889 immediately upon receipt of the test results, shall notify and submit to
1890 the commissioner the written report required pursuant to subsection (c)
1891 of this section.]

1892 (d) If a peace officer has placed a person under arrest for violating
1893 subsection (b) of section 53-206d; operating a vessel upon the waters of
1894 this state while under the influence of intoxicating liquor or any drug,
1895 or both; or operating a vessel upon the waters of this state while such
1896 person has an elevated blood alcohol content and does not request that
1897 such person submit to a blood, breath or urine test under subsection (b)
1898 of this section, or obtains test results from a test administered under
1899 subsection (b) of this section that indicate that the person does not have
1900 an elevated blood alcohol content, such officer shall:

1901 (1) Advise such person that such person's safe boating certificate,
1902 right to operate a vessel that requires a safe boating certificate for
1903 operation or certificate of personal watercraft operation issued by the
1904 commissioner as a condition of operating a vessel may be suspended in
1905 accordance with the provisions of this section if such officer believes
1906 there is substantial evidence to conclude that such person was operating
1907 a vessel under the influence of intoxicating liquor or any drug, or both;
1908 and

1909 (2) Submit a report to the commissioner in accordance with the
1910 procedure set forth in subsection (c) of this section and, if such report
1911 contains the results of a blood, breath or urine test that does not show
1912 an elevated blood alcohol content, such report shall conform to the
1913 requirements in subsection (c) of this section for reports that contain
1914 results showing an elevated blood alcohol content. In any report
1915 submitted under this subdivision, the officer shall document (A) the
1916 basis for the officer's belief that there was probable cause to arrest such
1917 person for a violation of subsection (b) of section 53-206d; operating a
1918 vessel upon the waters of this state while under the influence of
1919 intoxicating liquor or any drug, or both; or operating a vessel upon the
1920 waters of this state while such person has an elevated blood alcohol

1921 content, and (B) whether the officer believes that there is substantial
1922 evidence to conclude that the person was operating a vessel under the
1923 influence of intoxicating liquor or any drug, or both. With such report,
1924 the officer may submit other supporting documentation indicating the
1925 person's intoxication by liquor or any drug, or both. If the officer
1926 believes there is substantial evidence to conclude that the person was
1927 operating a vessel under the influence of intoxicating liquor or any drug,
1928 or both, the officer shall immediately revoke and take possession of the
1929 person's safe boating certificate, right to operate a vessel that requires a
1930 safe boating certificate for operation or certificate of personal watercraft
1931 operation issued by the commissioner as a condition of operating a
1932 vessel, for a twenty-four-hour period.

1933 (e) Upon receipt of [such] a report submitted under subsection (c) or
1934 (d) of this section, the commissioner shall suspend the safe boating
1935 certificate, right to operate a vessel that requires a safe boating certificate
1936 for operation or certificate of personal watercraft operation of such
1937 person effective as of a date certain, and such date certain shall be no
1938 later than thirty-five days [after] from the later of the date such person
1939 received (1) notice of such person's arrest by the peace officer, or (2) the
1940 results of a blood or urine test or a drug influence evaluation. Any
1941 person whose safe boating certificate, right to operate a vessel that
1942 requires a safe boating certificate for operation or certificate of personal
1943 watercraft operation is suspended in accordance with this subsection
1944 shall be entitled to a hearing before the commissioner to be held prior to
1945 the effective date of the suspension. The commissioner shall send a
1946 suspension notice to such person informing such person that such
1947 person's safe boating certificate, right to operate a vessel that requires a
1948 safe boating certificate for operation or certificate of personal watercraft
1949 operation is suspended and shall specify the date of such suspension
1950 and that such person is entitled to a hearing prior to the effective date of
1951 the suspension and may schedule such hearing by contacting the
1952 commissioner not later than seven days after the date of mailing of such
1953 suspension notice.

1954 (f) If such person does not contact the department to schedule a

1955 hearing, the commissioner shall affirm the suspension contained in the
1956 suspension notice for the appropriate period specified in subsection (i)
1957 of this section.

1958 (g) (1) If such person contacts the department to schedule a hearing,
1959 the commissioner shall assign a date, time and place for the hearing,
1960 which date shall be prior to the effective date of the suspension. At the
1961 request of such person and upon a showing of good cause, the
1962 commissioner may grant one continuance for a period not to exceed
1963 thirty days. [The hearing]

1964 (2) A hearing based on a report submitted under subsection (c) of this
1965 section shall be limited to a determination of the following issues: [(1)]
1966 (A) Whether the peace officer had probable cause to arrest the person
1967 for operating the vessel while under the influence of intoxicating liquor
1968 or drugs, or both, or while such person has an elevated blood alcohol
1969 content; [(2)] (B) whether such person was placed under arrest; [(3)] (C)
1970 whether such person [(A)] (i) refused to submit to such test or [analysis]
1971 nontestimonial portion of a drug influence evaluation, or [(B)] (ii)
1972 submitted to such test [or analysis] and the results of such test [or
1973 analysis] indicated that at the time of the alleged offense that such
1974 person had an elevated blood alcohol content; and [(4)] (D) whether
1975 such person was operating the vessel.

1976 (3) A hearing based on a report submitted under subsection (d) of this
1977 section shall be limited to a determination of the following issues: (A)
1978 Whether the peace officer had probable cause to arrest the person for
1979 operating a vessel while under the influence of intoxicating liquor or
1980 drugs, or both, or while such person has an elevated blood alcohol
1981 content; (B) whether such person was placed under arrest; (C) whether
1982 there is substantial evidence to conclude that such person was operating
1983 a vessel under the influence of intoxicating liquor or any drug, or both;
1984 and (D) whether such person was operating the vessel.

1985 (4) At [the] a hearing held under this subsection, the results of the
1986 test, [or analysis] if administered, shall be sufficient to indicate the ratio
1987 of alcohol in the blood of such person at the time of operation, except

1988 that if the results of an additional test, administered pursuant to section
1989 15-140r, as amended by this act, indicate that the ratio of alcohol in the
1990 blood of such person is eight-hundredths of one per cent or less of
1991 alcohol, by weight, and is higher than the results of the first test,
1992 evidence shall be presented that demonstrates that the test results and
1993 analysis thereof accurately indicate the blood alcohol content at the time
1994 of operation. The fees of any witness summoned to appear at [the] a
1995 hearing under this subsection shall be the same as provided in section
1996 52-260.

1997 (5) In a hearing based on a report submitted under subsection (d) of
1998 this section, evidence of operation under the influence of intoxicating
1999 liquor or any drug, or both shall be admissible. Such evidence may
2000 include, but need not be limited to, (A) the peace officer's observations
2001 of intoxication, as documented in a report submitted to the
2002 commissioner under subsection (d) of this section; (B) the results of any
2003 chemical test administered under this section or a toxicology report
2004 certified by the Division of Scientific Services within the Department of
2005 Emergency Services and Public Protection; (C) hospital or medical
2006 records obtained in accordance with subsection (j) of this section or by
2007 the consent of the operator; or (D) reports of drug recognition experts.

2008 (h) If, after [such] a hearing under subdivision (2) of subsection (g) of
2009 this section, the commissioner finds in the negative on any one of [said]
2010 the issues specified in [the negative] subparagraph (A), (B), (C) or (D) of
2011 said subdivision, the commissioner shall stay the safe boating certificate,
2012 right to operate a vessel that requires a safe boating certificate for
2013 operation or certificate of personal watercraft operation suspension. If,
2014 after a hearing under subdivision (3) of subsection (g) of this section, the
2015 commissioner finds in the negative on any one of the issues specified in
2016 subparagraph (A), (B), (C) or (D) of said subdivision, the commissioner
2017 shall stay the safe boating certificate, right to operate a vessel that
2018 requires a safe boating certificate for operation or certificate of personal
2019 watercraft operation suspension. If, after such hearing under
2020 subdivision (2) or (3) of subsection (g) of this section, the commissioner
2021 does not find on any one of said issues in the negative or if such person

2022 fails to appear at such hearing, the commissioner shall affirm the
2023 suspension contained in the suspension notice for the appropriate
2024 period specified in subsection (i) of this section. The commissioner shall
2025 render a decision at the conclusion of such hearing or send a notice of
2026 the decision by certified mail to such person not later than thirty-five
2027 days from the date of notice of such person's arrest by the peace officer
2028 or, if a continuance is granted, not later than sixty-five days from the
2029 date such person received notice of such person's arrest by the peace
2030 officer. The notice of such decision sent by certified mail to the address
2031 of such person as shown by the records of the commissioner shall be
2032 sufficient notice to such person that such person's safe boating
2033 certificate, right to operate a vessel that requires a safe boating certificate
2034 for operation or certificate of personal watercraft operation is suspended
2035 or the suspension is stayed. Unless a continuance of the hearing is
2036 granted pursuant to subsection (g) of this section, if the commissioner
2037 fails to render a decision within thirty-five days from the date that such
2038 person received notice of such person's arrest by the peace officer, the
2039 commissioner shall not suspend such person's safe boating certificate,
2040 right to operate a vessel that requires a safe boating certificate for
2041 operation or certificate of personal watercraft operation.

2042 (i) The commissioner shall suspend the operator's safe boating
2043 certificate, right to operate a vessel that requires a safe boating certificate
2044 for operation or certificate of personal watercraft operation of a person
2045 who does not contact the department to schedule a hearing under
2046 subsection (e) of this section, who fails to appear at such hearing, or
2047 against whom, after a hearing, the commissioner holds pursuant to
2048 subsection (g) of this section. Such suspension shall be as of the effective
2049 date contained in the suspension notice or the date the commissioner
2050 renders a decision, whichever is later, for a period of: (1) (A) Except as
2051 provided in subparagraph (B) of this subdivision, ninety days if such
2052 person submitted to a test [or analysis] and the results of such test [or
2053 analysis] indicated that at the time of the alleged offense that such
2054 person had an elevated blood alcohol content, or such person was found
2055 to have been operating a vessel under the influence of intoxicating
2056 liquor or any drug, or both, based on a report filed pursuant to

2057 subsection (d) of this section, or (B) one hundred twenty days if such
2058 person submitted to a test [or analysis] and the results of such test [or
2059 analysis] indicated that the ratio of alcohol in the blood of such person
2060 was sixteen-hundredths of one per cent or more of alcohol, by weight,
2061 or (C) six months if such person refused to submit to such test; [or
2062 analysis;] (2) if such person has previously had such person's safe
2063 boating certificate, right to operate a vessel that requires a safe boating
2064 certificate for operation or certificate of personal watercraft operation
2065 suspended under this section, (A) except as provided in subparagraph
2066 (B) of this subdivision, nine months if such person submitted to a test
2067 [or analysis] and the results of such test [or analysis] indicated that at
2068 the time of the alleged offense that such person had an elevated blood
2069 alcohol content, or such person was found to have been operating a
2070 vessel under the influence of intoxicating liquor or any drug, or both,
2071 based on a report filed pursuant to subsection (d) of this section, (B) ten
2072 months if such person submitted to a test [or analysis] and the results of
2073 such test [or analysis] indicated that the ratio of alcohol in the blood of
2074 such person was sixteen-hundredths of one per cent or more of alcohol,
2075 by weight, and (C) one year if such person refused to submit to such
2076 test; [or analysis;] and (3) if such person has two or more times
2077 previously had such person's safe boating certificate, right to operate a
2078 vessel that requires a safe boating certificate for operation or certificate
2079 of personal watercraft operation suspended under this section, (A)
2080 except as provided in subparagraph (B) of this subdivision, two years if
2081 such person submitted to a test [or analysis] and the results of such test
2082 [or analysis] indicated that at the time of the alleged offense that such
2083 person had an elevated blood alcohol content, or such person was found
2084 to have been operating a vessel under the influence of intoxicating
2085 liquor or any drug, or both, based on a report filed pursuant to
2086 subsection (d) of this section, (B) two and one-half years if such person
2087 submitted to a test [or analysis] and the results of such test [or analysis]
2088 indicated that the ratio of alcohol in the blood of such person was
2089 sixteen-hundredths of one per cent or more of alcohol, by weight, and
2090 (C) three years if such person refused to submit to such test. [or
2091 analysis.]

2092 (j) Notwithstanding the provisions of subsections (b) to (i), inclusive,
2093 of this section, any peace officer who obtains the results of a chemical
2094 analysis of a blood sample taken from an operator of a vessel involved
2095 in an accident who suffered or allegedly suffered physical injury in such
2096 accident shall notify the commissioner and submit to the commissioner
2097 a written report if such results indicate that at the time of the alleged
2098 offense such person had an elevated blood alcohol content, or any
2099 quantity of an intoxicating liquor or any drug, or both, in such person's
2100 blood, and if such person was arrested for a violation of section 15-132a,
2101 subsection (d) of section 15-133 or section 15-140l or 15-140n in
2102 connection with such accident. The report shall be made on a form
2103 approved by the commissioner containing such information as the
2104 commissioner prescribes and shall be subscribed and sworn under
2105 penalty of false statement, as provided in section 53a-157b, by the peace
2106 officer. The commissioner shall, after notice and an opportunity for
2107 hearing, which shall be conducted in accordance with chapter 54,
2108 suspend the safe boating certificate, right to operate a vessel that
2109 requires a safe boating certificate for operation or certificate of personal
2110 watercraft operation of such person for a period of up to ninety days,
2111 or, if such person has previously had such person's operating privilege
2112 suspended under this section, for a period up to one year. Each hearing
2113 conducted under this section shall be limited to a determination of the
2114 following issues: (1) Whether the peace officer had probable cause to
2115 arrest the person for operating a vessel while under the influence of
2116 intoxicating liquor or drugs, or both, or while such person has an
2117 elevated blood alcohol content; (2) whether such person was placed
2118 under arrest; (3) whether such person was operating the vessel; (4)
2119 whether the results of the analysis of the blood of such person indicate
2120 that such person had an elevated blood alcohol content, or there is
2121 substantial evidence to conclude that the person was operating a vessel
2122 under the influence of intoxicating liquor or any drug, or both; and (5)
2123 whether the blood sample was obtained in accordance with conditions
2124 for admissibility as set forth in section 15-140s. If, after such hearing, the
2125 commissioner finds on any issue in the negative, the commissioner shall
2126 not impose a suspension. The fees of any witness summoned to appear

2127 at the hearing shall be the same as provided by the general statutes for
2128 witnesses in criminal cases.

2129 (k) The provisions of this section shall apply with the same effect to
2130 the refusal by any person to submit to an additional chemical test as
2131 provided in [subdivision (5)] subparagraph (E) of subdivision (1) of
2132 subsection (a) of section 15-140r, as amended by this act.

2133 (l) The provisions of this section do not apply to any person whose
2134 physical condition is such that, according to competent medical advice,
2135 such test would be inadvisable.

2136 (m) The state shall pay the reasonable charges of any physician who,
2137 at the request of a [municipal police department] law enforcement unit,
2138 as defined in section 7-294a, takes a blood sample for purposes of a test
2139 under the provisions of this section.

2140 (n) For the purposes of this section, "elevated blood alcohol content"
2141 means: (1) A ratio of alcohol in the blood of such person that is eight-
2142 hundredths of one per cent or more of alcohol, by weight, or (2) if such
2143 person is under twenty-one years of age, a ratio of alcohol in the blood
2144 of such person that is two-hundredths of one per cent or more of alcohol,
2145 by weight.

2146 (o) The commissioner may adopt regulations, in accordance with
2147 chapter 54, to implement the provisions of this section.

2148 (p) For purposes of this section and section 15-140r, as amended by
2149 this act, (1) "drug influence evaluation" means a twelve-part evaluation
2150 developed by the National Highway Traffic Safety Administration and
2151 the International Association of Chiefs of Police that is conducted by a
2152 drug recognition expert to determine the level of a person's impairment
2153 from the use of drugs and the drug category causing such impairment;
2154 (2) "drug recognition expert" means a person certified by the
2155 International Association of Chiefs of Police as having met all
2156 requirements of the International Drug Evaluation and Classification
2157 Program; and (3) "nontestimonial portion of a drug influence

2158 evaluation" means a drug influence evaluation conducted by a drug
2159 recognition expert that does not include a verbal interview with the
2160 subject.

2161 Sec. 45. Section 15-140r of the general statutes is repealed and the
2162 following is substituted in lieu thereof (*Effective April 1, 2022*):

2163 (a) (1) Except as provided in section 15-140s or subsection (d) of this
2164 section, in any criminal prosecution for the violation of section 15-132a,
2165 subsection (d) of section 15-133, section 15-140l or 15-140n or subsection
2166 (b) of section 53-206d, evidence respecting the amount of alcohol or drug
2167 in the defendant's blood or urine at the time of the alleged offense, as
2168 shown by a chemical [analysis] test of the defendant's breath, blood or
2169 urine shall be admissible and competent provided: [(1)] (A) The
2170 defendant was afforded a reasonable opportunity to telephone an
2171 attorney prior to the performance of the test and consented to the taking
2172 of the test upon which such analysis is made; [(2)] (B) a true copy of the
2173 report of the test result was mailed to or personally delivered to the
2174 defendant within twenty-four hours or by the end of the next regular
2175 business day, after such result was known, whichever is later; [(3)] (C)
2176 the test was performed by or at the direction of a certified law
2177 enforcement officer according to methods and with equipment
2178 approved by the Department of Emergency Services and Public
2179 Protection, and if a blood test was performed, it was performed on a
2180 blood sample taken by a person licensed to practice medicine and
2181 surgery in this state, a qualified laboratory technician, an emergency
2182 medical technician II or a registered nurse in accordance with the
2183 regulations adopted under subsection (b) of this section; [(4)] (D) the
2184 device used for such test was checked for accuracy in accordance with
2185 the regulations adopted under subsection (b) of this section; [(5)] (E) an
2186 additional chemical test of the same type was performed at least ten
2187 minutes after the initial test was performed or, if requested by the peace
2188 officer for reasonable cause, an additional chemical test of a different
2189 type was performed, including a test to detect the presence of a drug or
2190 drugs other than or in addition to alcohol, except that the results of the
2191 initial test shall not be inadmissible under this subsection if reasonable

2192 efforts were made to have such additional test performed in accordance
2193 with the conditions set forth in this subsection and (i) such additional
2194 test was not performed or was not performed within a reasonable time,
2195 or (ii) the results of such additional test are not admissible for failure to
2196 meet a condition set forth in this subsection; and [(6)] (F) evidence is
2197 presented that the test was commenced within two hours of operation
2198 of the vessel or expert testimony establishes the reliability of a test
2199 commenced beyond two hours of operation of the vessel. In any
2200 prosecution under this section, it shall be a rebuttable presumption that
2201 the results of such chemical analysis establish the ratio of alcohol in the
2202 blood of the defendant at the time of the alleged offense, except that if
2203 the results of the additional test indicate that the ratio of alcohol in the
2204 blood of such defendant is ten-hundredths of one per cent or less of
2205 alcohol, by weight, and is higher than the results of the first test,
2206 evidence shall be presented that demonstrates that the test results and
2207 the analysis thereof accurately indicate the blood alcohol content at the
2208 time of the alleged offense.

2209 (2) If a law enforcement officer who is a drug recognition expert
2210 conducts a drug influence evaluation, the officer's testimony concerning
2211 such evaluation shall be admissible and competent as evidence of the
2212 operation of a vessel while under the influence of liquor or any drug, or
2213 both under subdivision (1) of subsection (a) of this section.

2214 (b) The Commissioner of Emergency Services and Public Protection
2215 shall ascertain the reliability of each method and type of device offered
2216 for chemical testing and analysis of blood, of breath and of urine and
2217 certify those methods and types which the Commissioner of Emergency
2218 Services and Public Protection finds suitable for use in testing and
2219 analysis of blood, breath and urine, respectively, in this state. The
2220 Commissioner of Emergency Services and Public Protection, after
2221 consultation with the Commissioner of Public Health, shall adopt
2222 regulations, in accordance with chapter 54, governing the conduct of
2223 chemical tests, the operation and use of chemical test devices and the
2224 training and certification of operators of such devices and the drawing
2225 or obtaining of blood, breath or urine samples as the Commissioner of

2226 Emergency Services and Public Protection finds necessary to protect the
2227 health and safety of persons who submit to chemical tests and to insure
2228 reasonable accuracy in testing results. Such regulations shall not require
2229 recertification of a peace officer solely because such officer terminates
2230 such officer's employment with the law enforcement agency for which
2231 certification was originally issued and commences employment with
2232 another such agency.

2233 (c) If a person is charged with a violation of section 15-132a,
2234 subsection (d) of section 15-133 or section 15-140/ or 15-140n, the charge
2235 may not be reduced, nolle or dismissed unless the prosecuting
2236 authority states in open court such prosecutor's reasons for the
2237 reduction, nolle or dismissal.

2238 (d) (1) In any criminal prosecution for a violation of section 15-132a,
2239 subsection (d) of section 15-133 or section 15-140/ or 15-140n, evidence
2240 that the defendant refused to submit to a blood, breath or urine test or
2241 the nontestimonial portion of a drug influence evaluation requested in
2242 accordance with section 15-140q, as amended by this act, shall be
2243 admissible provided the requirements of subsection (a) of said section
2244 have been satisfied. If a case involving a violation of section 15-132a,
2245 subsection (d) of section 15-133 or section 15-140/ or 15-140n is tried to a
2246 jury, the court shall instruct the jury as to any inference that may or may
2247 not be drawn from the defendant's refusal to submit to a blood, breath
2248 or urine test or evaluation.

2249 (2) In any prosecution for a violation of subdivision (1) of subsection
2250 (a) of this section, a drug recognition expert may testify as to his or her
2251 opinion or otherwise as to the significance of any symptoms of
2252 impairment or intoxication for which evidence has been admitted or on
2253 the condition that such evidence be introduced.

2254 (3) In any prosecution for a violation of subdivision (1) of subsection
2255 (a) of this section in which it is alleged that the defendant's operation of
2256 a vessel was impaired, in whole or in part, by consumption of cannabis,
2257 cannabis products or THC, the court may take judicial notice that the
2258 ingestion of THC (A) can impair a person's ability to operate a vessel;

2259 (B) can impair a person's motor function, reaction time, tracking ability,
2260 cognitive attention, decision-making, judgment, perception, peripheral
2261 vision, impulse control and memory; and (C) does not enhance a
2262 person's ability to safely operate a vessel. For the purposes of this
2263 subdivision, "cannabis" and "cannabis products" have the same meaning
2264 as provided in section 1 of this act and "THC" means
2265 tetrahydrocannabinol and any material, compound, mixture or
2266 preparation which contain their salts, isomers and salts of isomers,
2267 whenever the existence of such salts, isomers and salts of isomers is
2268 possible within the specific chemical designation, regardless of the
2269 source, except: (i) Dronabinol in sesame oil and encapsulated in a soft
2270 gelatin capsule in a federal Food and Drug Administration approved
2271 product, and (ii) any tetrahydrocannabinol product that has been
2272 approved by the federal Food and Drug Administration or successor
2273 agency to have a medical use and reclassified in any schedule of
2274 controlled substances or unscheduled by the federal Drug Enforcement
2275 Administration or successor agency.

2276 Sec. 46. Subsection (a) of section 21a-279 of the general statutes is
2277 repealed and the following is substituted in lieu thereof (*Effective January*
2278 *1, 2022*):

2279 (a) (1) Any person who possesses or has under such person's control
2280 any quantity of any controlled substance, except [less than one-half
2281 ounce of a cannabis-type substance] any quantity of cannabis or
2282 cannabis product, each as defined in section 1 of this act, and except as
2283 authorized in this chapter, shall be guilty of a class A misdemeanor.

2284 (2) For a second offense of subdivision (1) of this subsection, the court
2285 shall evaluate such person and, if the court determines such person is a
2286 drug-dependent person, the court may suspend prosecution of such
2287 person and order such person to undergo a substance abuse treatment
2288 program.

2289 (3) For any subsequent offense of subdivision (1) of this subsection,
2290 the court may find such person to be a persistent offender for possession

2291 of a controlled substance in accordance with section 53a-40.

2292 Sec. 47. Section 21a-279a of the general statutes is repealed and the
2293 following is substituted in lieu thereof (*Effective January 1, 2022*):

2294 (a) Any person twenty-one years of age or older may possess, use,
2295 gift without compensation or remuneration and otherwise consume
2296 cannabis and cannabis products, provided the amount of all such
2297 cannabis, including the amount contained in any cannabis product, does
2298 not exceed such consumer's possession limit of (1) six ounces of cannabis
2299 plant material, (2) an equivalent amount of cannabis product, or (3) an
2300 equivalent amount of a combination of cannabis and cannabis product.

2301 [(a)] (b) Any person under twenty-one years of age who possesses or
2302 has under [his] such person's control less than [one-half ounce of a
2303 cannabis-type substance, as defined in section 21a-240] (1) two and one-
2304 half ounces of cannabis plant material, (2) an equivalent amount of
2305 cannabis product, or (3) an equivalent amount of a combination of
2306 cannabis and cannabis product, except as authorized in this chapter or
2307 chapter 420f, shall [(1)] (A) for a first offense, be fined one hundred fifty
2308 dollars, and [(2)] (B) for a subsequent offense, be fined not less than two
2309 hundred dollars or more than five hundred dollars.

2310 (c) The court shall evaluate any person who commits a second or
2311 subsequent offense of any provision of subsection (b) of this section and,
2312 if the court determines such person is a drug-dependent person, the
2313 court may suspend prosecution of such person and order such person
2314 to undergo a substance abuse treatment program.

2315 [(b)] (d) The law enforcement officer issuing a complaint for a
2316 violation of subsection [(a)] (b) of this section shall seize the [cannabis-
2317 type substance] cannabis or cannabis product and cause such substance
2318 to be destroyed as contraband in accordance with law.

2319 [(c)] (e) Any person who, at separate times, has twice entered a plea
2320 of nolo contendere to, or been found guilty after trial of, a violation of
2321 subsection [(a)] (b) of this section shall, upon a subsequent plea of nolo

2322 contendere to, or finding of guilty of, a violation of said subsection, be
2323 referred for participation in a drug education program at such person's
2324 own expense.

2325 (f) Subsections (a) to (e), inclusive, of this section shall not apply to
2326 any person acting in the course of business under a cannabis-related
2327 license issued by the Department of Consumer Protection, by the
2328 Cannabis Control Commission or by any other municipal or state
2329 agency or to any person acting in the course of business providing bona
2330 fide services to a business operating under a cannabis-related license of
2331 any type and for whom the possession of cannabis or cannabis products
2332 in an amount greater than six ounces is a bona fide business activity or
2333 occupation.

2334 Sec. 48. (NEW) (*Effective January 1, 2022*) (a) Except as provided in
2335 subsection (c) of this section, the existence of any of the following
2336 circumstances shall not constitute, in whole or in part, probable cause
2337 or reasonable suspicion and shall not be used as a basis to support any
2338 stop or search of a person or motor vehicle:

2339 (1) The odor of cannabis or burnt cannabis; or

2340 (2) The possession of or the suspicion of possession of cannabis or
2341 cannabis product, unless such cannabis or cannabis product exceeds six
2342 ounces.

2343 (b) Any evidence discovered as a result of any stop or search
2344 conducted in violation of this section shall not be admissible in evidence
2345 in any trial, hearing or other proceeding in a court of this state.

2346 (c) A law enforcement official may not conduct a test for impairment
2347 based on the odor of cannabis or burnt cannabis unless such official has
2348 probable cause to believe the motor vehicle is being operated in an
2349 unsafe manner.

2350 Sec. 49. (NEW) (*Effective October 1, 2021*) Any person, except for a
2351 licensed veterinarian or person acting under the supervision, instruction

2352 or recommendation of a licensed veterinarian, who knowingly feeds or
2353 recklessly provides cannabis or a cannabis product to a domesticated
2354 animal shall be guilty of a class C misdemeanor.

2355 Sec. 50. (NEW) (*Effective July 1, 2021*) (a) No agency or political
2356 subdivision of the state may rely on a violation of federal law related to
2357 cannabis as a significant or substantial basis for taking an adverse action
2358 against a person.

2359 (b) It is the public policy of this state that contracts related to the
2360 operation of a cannabis establishment licensed in accordance with
2361 section 13 of this act are enforceable. The effect of the provisions of this
2362 subsection may not be limited by any contractual waiver, provision
2363 regarding choice of law, provision regarding conflicts of law or other
2364 manner of contractual provision or other agreement.

2365 (c) It is the public policy of this state that no contract entered into by
2366 a licensed cannabis establishment or its agents as authorized in
2367 accordance with a valid license, or by those who allow property to be
2368 used by a cannabis establishment, its employees, as defined in section
2369 56 of this act, or its agents as authorized in accordance with a valid
2370 license, shall be unenforceable on the basis that cultivating, obtaining,
2371 manufacturing, distributing, dispensing, transporting, selling,
2372 possessing or using cannabis is prohibited by federal law. The effect of
2373 the provisions of this subsection may not be limited by any contractual
2374 waiver, provision regarding choice of law, provision regarding conflicts
2375 of law or other manner of contractual provision or other agreement.

2376 (d) No law enforcement officer employed by an agency that receives
2377 state or local government funds shall expend state or local resources,
2378 including the officer's time, to effect any arrest or seizure of cannabis, or
2379 conduct any investigation, on the basis of activity the officer believes
2380 complies with the provisions of sections 1 to 60, inclusive, of this act, but
2381 constitutes a violation of federal law.

2382 (e) An officer may not expend state or local resources, including the
2383 officer's time, to provide any information or logistical support related to

2384 such activity to any federal law enforcement authority, prosecuting
2385 entity or immigration authority.

2386 Sec. 51. (NEW) (*Effective January 1, 2022*) Any drug paraphernalia, as
2387 defined in section 21a-240 of the general statutes, or other property
2388 relating to cannabis or cannabis product held by the Commissioner of
2389 Consumer Protection pursuant to section 21a-263 of the general statutes,
2390 a law enforcement agency, or court official that was seized from a
2391 consumer before the effective date of this section in connection with
2392 suspected possession or control of cannabis or cannabis product in
2393 violation of the provisions of subsection (a) of section 21a-279a of the
2394 general statutes, as amended by this act, shall be returned to the
2395 consumer not later than one hundred eighty days of the effective date
2396 of this section, provided no return of cannabis or cannabis products
2397 exceeds six ounces, as permitted under section 21a-279a of the general
2398 statutes, as amended by this act.

2399 Sec. 52. (NEW) (*Effective January 1, 2022*) Notwithstanding any
2400 provision of chapter 420b of the general statutes, a consumer may
2401 manufacture, possess, or purchase paraphernalia, as defined in section
2402 21a-240 of the general statutes, related to cannabis or gift, distribute or
2403 sell such paraphernalia to another consumer.

2404 Sec. 53. (NEW) (*Effective January 1, 2022*) Any consumer may gift
2405 cannabis or cannabis products to another consumer, without
2406 compensation of any kind, provided such other consumer may possess
2407 such cannabis or cannabis products and such gift is not part of a
2408 commercial transaction.

2409 Sec. 54. (NEW) (*Effective January 1, 2022*) (a) Use or possession of
2410 cannabis or cannabis products by a person that does not violate section
2411 21a-279 or section 21a-279a of the general statutes, as amended by this
2412 act, or chapter 420f of the general statutes shall not be grounds for
2413 revocation of such person's parole, special parole or probation.

2414 (b) Notwithstanding the provisions of subsection (a) of this section, if
2415 a person's conditions of parole, special parole or probation include a

2416 finding that such person is a drug-dependent person and a condition
2417 that such person not use or possess cannabis or cannabis products, use
2418 or possession of cannabis or cannabis products may be grounds for
2419 revocation of parole, special parole or probation.

2420 (c) No condition of parole, special parole or probation shall prohibit
2421 a person from employment in any cannabis establishment or cannabis-
2422 related business without a finding, based on clear and convincing
2423 evidence, that such employment poses a substantial risk of the person's
2424 recidivism or reoffense or a substantial obstacle to the person's recovery
2425 from drug dependency.

2426 Sec. 55. (NEW) (*Effective July 1, 2022*) Any cannabis establishment
2427 licensee or any servant or agent of a licensee who sells or delivers
2428 cannabis or cannabis products to any person under twenty one years of
2429 age shall be fined not more than one thousand dollars or imprisoned not
2430 more than one year, or both.

2431 Sec. 56. (NEW) (*Effective January 1, 2022*) (a) As used in this section:

2432 (1) "Backer" means any person with a direct or indirect financial
2433 interest in a cannabis establishment. "Backer" does not include a person
2434 with an investment interest in a cannabis establishment, provided the
2435 interest held by such person and such person's coworkers, employees,
2436 spouse, parent or child, in the aggregate, does not exceed five per cent
2437 of the total ownership or interest rights in such cannabis establishment
2438 and such person does not participate directly or indirectly in the control,
2439 management or operation of the cannabis establishment;

2440 (2) "Employee" means any person who is not a backer or key
2441 employee but is a member of the board of a company with an ownership
2442 interest in a cannabis establishment, or any person employed by a
2443 cannabis establishment or who otherwise has access to such
2444 establishment or the vehicles used to transport cannabis or cannabis
2445 products, including, but not limited to, an independent contractor who
2446 has routine access to the premises of such establishment or to the
2447 cannabis or cannabis products handled by such establishment; and

2448 (3) "Key employee" means an individual with the following
2449 management position or an equivalent title within a cannabis
2450 establishment: (A) President or chief officer, who is the top ranking
2451 individual at the cannabis establishment and is responsible for all staff
2452 and overall direction of business operations; (B) financial manager, who
2453 is the individual that reports to the president or chief officer who is
2454 generally responsible for oversight of the financial operations of the
2455 cannabis licensee, including, but not limited to, revenue generation,
2456 distributions, tax compliance and budget implementation; or (C)
2457 compliance manager, who is the individual that reports to the president
2458 or chief officer and who is generally responsible for ensuring the
2459 cannabis establishment complies with all laws, regulations and
2460 requirements related to the operation of the business establishment.

2461 (b) A cannabis establishment issued a license pursuant to section 13
2462 of this act or an agent or employee of such licensee may require any
2463 person whose age is in question to have such person's photograph be
2464 taken by, and a photocopy of such person's driver's license or identity
2465 card issued in accordance with the provisions of section 1-1h of the
2466 general statutes be made by, such licensee, agent or employee as a
2467 condition of selling or delivering cannabis or cannabis products to such
2468 person.

2469 (c) No licensee or agent or employee of a licensee shall use a
2470 photograph taken or a photocopy made pursuant to subsection (b) of
2471 this section for a purpose other than the purpose specified in said
2472 subsection.

2473 (d) No licensee or agent or employee of a licensee shall sell or
2474 otherwise disseminate a photograph taken or a photocopy made
2475 pursuant to subsection (b) of this section, or any information derived
2476 from such photocopy, to any third party for any purpose including, but
2477 not limited to, any marketing, advertising or promotional activities,
2478 except that a licensee or an agent or employee of a licensee may release
2479 such photograph, photocopy or information pursuant to a court order.

2480 (e) In any prosecution of a licensee or an agent or employee of a

2481 licensee for selling or delivering cannabis or cannabis products to a
2482 person under twenty one years of age in violation of this section or
2483 section 57 or 59 of this act, it shall be an affirmative defense that such
2484 licensee, agent or employee sold or delivered cannabis or cannabis
2485 products to such minor in good faith and in reasonable reliance upon
2486 the identification presented by such person and, pursuant to subsection
2487 (b) of this section, photographed the person and made a photocopy of
2488 such identification. In support of such defense, such licensee, agent or
2489 employee may introduce evidence of such photograph and photocopy.

2490 (f) The Commissioner of Consumer Protection may require a
2491 cannabis establishment to use an online age verification system.

2492 Sec. 57. (NEW) (*Effective January 1, 2022*) Any person who induces any
2493 person under twenty one years of age to procure cannabis or cannabis
2494 products from any person licensed to sell such cannabis products shall
2495 be fined not more than one thousand dollars or imprisoned not more
2496 than one year or both. The provisions of this section shall not apply to
2497 any such inducement in furtherance of an official investigation or
2498 enforcement activity conducted by a law enforcement agency.

2499 Sec. 58. (NEW) (*Effective January 1, 2022*) (a) Each person who attains
2500 the age of twenty-one years and has a motor vehicle operator's license
2501 or identity card issued in accordance with the provisions of section 1-1h
2502 of the general statutes, containing a full-face photograph of such person,
2503 may use, and each licensee may accept, such license as legal proof of the
2504 age of the person for the purposes of section 56 of this act.

2505 (b) Any person who, for the purpose of procuring cannabis or
2506 cannabis products, misrepresents his or her age or uses or exhibits an
2507 operator's license belonging to any other person shall, on a first offense,
2508 be fined not more than two hundred fifty dollars and on a subsequent
2509 offense, be guilty of a class D misdemeanor.

2510 (c) Notwithstanding subsection (b) of this section, an individual who
2511 is employed or contracted directly or indirectly by a state agency to
2512 purchase cannabis or cannabis products for the purposes of testing the

2513 age verification and product controls of cannabis retailers shall not have
2514 violated the law or be fined or imprisoned.

2515 Sec. 59. (NEW) (*Effective January 1, 2022*) No cannabis retailer or such
2516 retailer's employee, as defined in section 56 of this act, or agents shall
2517 permit any person under twenty one years of age to loiter with the intent
2518 to purchase or consume unlawfully on the retailer's premises where
2519 cannabis or cannabis products are kept for sale. A first violation of this
2520 section shall be an infraction with a penalty not to exceed one thousand
2521 dollars and a subsequent violation of this section shall be a class B
2522 misdemeanor. This section shall not apply to any employee at a
2523 cannabis establishment who is eighteen to twenty years of age.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>from passage</i>	New section
Sec. 12	<i>from passage</i>	New section
Sec. 13	<i>from passage</i>	New section
Sec. 14	<i>from passage</i>	New section
Sec. 15	<i>from passage</i>	New section
Sec. 16	<i>from passage</i>	New section
Sec. 17	<i>from passage</i>	New section
Sec. 18	<i>from passage</i>	New section
Sec. 19	<i>from passage</i>	New section
Sec. 20	<i>from passage</i>	New section
Sec. 21	<i>from passage</i>	New section
Sec. 22	<i>from passage</i>	New section
Sec. 23	<i>from passage</i>	New section
Sec. 24	<i>from passage</i>	New section

Sec. 25	<i>from passage</i>	New section
Sec. 26	<i>from passage</i>	New section
Sec. 27	<i>from passage</i>	New section
Sec. 28	<i>from passage</i>	New section
Sec. 29	<i>from passage</i>	New section
Sec. 30	<i>from passage</i>	New section
Sec. 31	<i>from passage</i>	New section
Sec. 32	<i>from passage</i>	New section
Sec. 33	<i>July 1, 2022</i>	54-142d
Sec. 34	<i>July 1, 2022</i>	New section
Sec. 35	<i>from passage</i>	21a-408s
Sec. 36	<i>October 1, 2021</i>	New section
Sec. 37	<i>October 1, 2021</i>	New section
Sec. 38	<i>July 1, 2021</i>	New section
Sec. 39	<i>April 1, 2022</i>	14-227a(a) to (e)
Sec. 40	<i>April 1, 2022</i>	14-227b
Sec. 41	<i>April 1, 2022</i>	14-227c
Sec. 42	<i>April 1, 2022</i>	14-44k(c)
Sec. 43	<i>July 1, 2021</i>	New section
Sec. 44	<i>April 1, 2022</i>	15-140q
Sec. 45	<i>April 1, 2022</i>	15-140r
Sec. 46	<i>January 1, 2022</i>	21a-279(a)
Sec. 47	<i>January 1, 2022</i>	21a-279a
Sec. 48	<i>January 1, 2022</i>	New section
Sec. 49	<i>October 1, 2021</i>	New section
Sec. 50	<i>July 1, 2021</i>	New section
Sec. 51	<i>January 1, 2022</i>	New section
Sec. 52	<i>January 1, 2022</i>	New section
Sec. 53	<i>January 1, 2022</i>	New section
Sec. 54	<i>January 1, 2022</i>	New section
Sec. 55	<i>July 1, 2022</i>	New section
Sec. 56	<i>January 1, 2022</i>	New section
Sec. 57	<i>January 1, 2022</i>	New section
Sec. 58	<i>January 1, 2022</i>	New section
Sec. 59	<i>January 1, 2022</i>	New section

Statement of Legislative Commissioners:

In Section 1, a definition of "Cannabis Control Commission" was added for consistency with standard drafting conventions; Section 1(5) was rewritten for statutory consistency; Section 1(13) was rewritten for clarity; Section 1(16) was rewritten for accuracy; Section 1(18) was

rewritten for clarity; in Section 2(a), the first sentence was rewritten for clarity; in Section 2(a)(3), "this section, sections 3 to 33, inclusive, or this act" was changed to "13 of this act" for accuracy; in Section 2(a)(4), "and sections 3 to 32, inclusive, of this act" was deleted for accuracy; in Section 3(b), "clearly" was deleted for consistency with standard drafting conventions; Section 4 was rewritten for clarity and accuracy; in Section 6, "statutory enactments, amendments and repeals" was changed to "legislation" for consistency with standard drafting conventions; in Section 7, "such study" was changed to "a study pursuant to section 4 of this act" for accuracy and clarity; Section 8(a) was rewritten for clarity; in Section 9(a), "sections 12, 13, 15 and 16" was changed to "sections 13, 15, 16 and 23" for accuracy; Section 9(c) was rewritten for accuracy; Section 10 was rewritten for accuracy; in Section 13, the first sentence was rewritten for clarity; in Section 13(e)(1), "pursuant to section 18 of this act" and "pursuant to section 5 of this act" were added for clarity; Section 13(e)(3) and (e)(4) were rewritten for clarity; in Section 13(f)(2)(A), the last two sentences were rewritten for clarity and consistency with standard drafting conventions; Section 13(f)(2)(B) was rewritten for clarity; in Section 13(h), "and solicit its recommendations" was deleted for clarity and consistency with standard drafting conventions; Section 15 was rewritten for clarity; in Section 16, "said sections" was changed to "section 13" for accuracy; in Section 18(3) was rewritten for clarity; in Section 20(a), "imposed under section 21 of this act" was added after "surcharges" for clarity and the last sentence was rewritten for clarity; in Section 20(b), "16" was deleted for accuracy; Section 21 was rewritten for clarity; Section 24 was rewritten for clarity and accuracy; in Section 29(i), "1 to 33" was changed to "13 to 15" for accuracy; in Section 37, "as defined in section 36 of this act" was deleted for accuracy and consistency with standard drafting conventions; in Section 47(a), "gift without compensation, remuneration, or any manner of relationship to a commercial transaction" was changed to "gift without compensation or remuneration" for clarity and consistency with standard drafting conventions; Section 47(b), "as provided in subsection (g) of this section" was deleted for accuracy; Section 47(c) was rewritten for clarity and accuracy; in Sections 47(d) and 47(e), "(c) or (d)" were deleted for accuracy; in Section 50(b), "this section" was changed to "section 13 of this act" for accuracy; Section 50(d) was rewritten for clarity; in Section 56(b), "this chapter" was changed to "section 13 of this act" for accuracy; and Section 58(c) was rewritten for clarity and consistency with standard drafting conventions.

LAB *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 22 \$	FY 23 \$
Department of Revenue Services	Cannabis Control Commission Operational Trust Fund - Revenue Gain	See Below	19.6 million
Department of Economic & Community Development	GF - Appropriation	5 million	5 million
Department of Emergency Services and Public Protection; Criminal Justice, Div.; Judicial Dept.	GF - Cost	Up to 866,655	Up to 892,655
Department of Revenue Services	GF - Cost	636,189	490,547
State Comptroller - Fringe Benefits ¹	GF - Cost	Up to 455,475	Up to 571,262
Department of Motor Vehicles	TF - Cost	625,639	529,446
State Comptroller - Fringe Benefits	GF&TF - Cost	210,563	218,661
Attorney General	GF - Potential Cost	82,670	85,150
State Comptroller - Fringe Benefits	GF - Potential Cost	33,316	35,167
UConn	Other - Potential Revenue Gain	At least 150,000	See Below
Education, Dept.	GF - Cost	Up to 10,000	None
Department of Emergency Services and Public Protection; Legislative Mgmt.; Department of Energy and Environmental Protection; Higher Education	Various - Potential Cost	See Below	See Below

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.3% of payroll in FY 22 and FY 23.

Constituent Units; Department of Transportation			
Cannabis Control Commission	Cannabis Control Commission Operational Trust Fund - See Below	See Below	See Below
Judicial Dept. (Probation); Correction, Dept.	GF - See Below	See Below	See Below
Resources of the General Fund	GF - See Below	See Below	See Below
Resources of the Special Transportation Fund	TF - See Below	See Below	See Below

Note: GF=General Fund; Various=Various; TF=Transportation Fund; GF&TF=General Fund & Transportation Fund

Municipal Impact:

Municipalities	Effect	FY 22 \$	FY 23 \$
Various Municipalities	Potential Revenue Gain	See Below	See Below
Various Municipalities	STATE MANDATE ² - Potential Cost	See Below	See Below

Explanation

The bill, which makes numerous changes to employment, licensing, consumer, economic development, tax, criminal justice, and traffic enforcement laws to establish a legal recreational cannabis consumer and business sector, results in the following fiscal impacts:

Section 2 appropriates \$5 million from the General Fund to the Department of Economic and Community Development for each fiscal year from FY 22 through FY 26 for workforce training, small business support, and facilities rehabilitation grants in 12 specific towns. This results in a potential revenue gain to municipalities to the extent that they are recipients of the grant. From FY 22 to FY 26, any revenue gain as a result of this section is limited to the cities of Hartford, New Haven,

² State mandate is defined in Sec. 2-32b(2) of the Connecticut General Statutes, "state mandate" means any state initiated constitutional, statutory or executive action that requires a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

Bridgeport, Waterbury, New London, Windham, New Britain, Bloomfield, Norwalk, Torrington, Ansonia, and Derby.

Section 3 establishes certain employment protections and allows aggrieved parties to bring an action before Superior Court over alleged violations, which does not result in any fiscal impact to the Judicial Department. The court system disposes of over 400,000 cases annually and the number of cases is not anticipated to be great enough to require additional resources.

Section 7 establishes a seven-member cannabis equity task force to make recommendations that are relevant to the establishment and regulation of cannabis cultivation, manufacture, and sale in the state. The bill allocates the cannabis equity task force \$500,000 from the resources of the General Fund. The task force must contract with researchers and research organizations and may hire staff in order to carry out its duties. Any moneys remaining after the completion of duties shall be retained in trust and remitted to the Cannabis Control Commission to support the commission's first year of operations.

Sections 8, 9, and 12 creates a Cannabis Control Commission as an independent regulatory agency, composed of five commissioners. Two commissioners shall be appointed by the Black and Puerto Rican Caucus. The remaining members are the commissioners of labor, consumer protection, and economic and community development. Each commissioner appointed by the Black and Puerto Rican Caucus shall receive a base salary of not less than \$100,000 annually.

Sections 18 and 19 require the Cannabis Control Commission to establish an Office of Justice Reinvestment (OJR). The commission can hire staff and authorize the OJR to hire staff to support their regulatory operations. The bill establishes a Cannabis Control Commission Operational Trust Fund (CCCOTF) containing all licensing and other regulatory fees and all cannabis sales tax surcharges as established under the bill. This fund shall pay for all the expenses of the commission and the OJR.

Sections 14, 28, 39-45, 48, and 50 make various traffic stop and law enforcement procedures and policies related to the detection and enforcement of cannabis by law enforcement personnel, resulting in no fiscal impact to the state or municipalities.

Section 21 establishes a 10% sales tax surcharge, in addition to the general sales tax, on all cannabis and cannabis product sales. This results in an estimated revenue gain of \$32.1 million in FY 23 and \$61.2 million in FY 24; the annual revenue gain is expected to grow to \$99.4 million by FY 27.³

The bill specifies that all cannabis sales tax surcharges be deposited in the CCCOTF established under the bill, resulting in a revenue gain of \$19.6 million in FY 23 and \$37.4 million in FY 24 to that fund. The remaining \$12.5 million in FY 23 and \$23.8 million would be deposited in the General and Special Transportation funds.⁴

Section 21 also establishes an additional restorative justice tax on cannabis businesses equal to (1) 2% on their annual gross revenue between \$1 million and \$10 million and (2) 10% on their annual gross revenue over \$10 million. This results in a General Fund revenue gain of less than \$19.6 million in FY 23 and less than \$37.4 million in FY 24; the annual revenue is expected to grow to less than \$60.8 million by FY 27.⁵

Additionally, **section 21** results in administrative costs to the Department of Revenue Services estimated at \$733,735 in FY 22 and \$693,143 in FY 23. This includes salary and fringe benefit costs for two Revenue Agents and five Revenue Examiners, as well as a one-time set-

³ All revenue estimates assume that the first year of cannabis sales occur in FY 23; to the extent that sales occur earlier there is a potential revenue gain as early as FY 22.

⁴ Under current law, a portion of the 6.35% sales tax rate is transferred to the Special Transportation Fund (STF). Any measure increasing overall collections of the 6.35% sales tax will positively impact the STF in addition to the General Fund.

⁵ These estimates assume an effective tax rate of 10% on all cannabis business gross revenues; the actual revenue gain is dependent on the number of cannabis businesses established and how cannabis gross revenues break down on an individual taxpayer basis between the marginal tax thresholds established under the bill.

up and information technology programming cost estimated at \$400,000 in FY 22 only.

Finally, **section 21** also allows municipalities to implement a five percent tax on the sale of cannabis and cannabis products. Any revenue gain to a municipality would depend on the volume of sales in such a municipality.

Section 22 specifies that municipalities may not unconditionally prohibit a cannabis business from operating in town. This has no fiscal impact.

Section 24 prohibits certain municipal officials and members of municipal police departments from having any managerial or financial interest in a cannabis business. This has no fiscal impact.

Section 25 prohibits municipalities from conditioning any official action or accepting any donation from a cannabis establishment that seeks a license to operate in such a municipality. This has no fiscal impact.

Section 26 conditions a municipality's eligibility for receiving cannabis workforce and development grants or loans on such municipality's adoption of the findings of fact made by the cannabis equity task force established under the bill. This has no fiscal impact.

Section 27, regarding a research partnership, results in a potential cost to the Cannabis Control Commission of approximately \$150,000 in FY 22 and an equivalent potential revenue gain to the University of Connecticut, with the potential for this fiscal impact to grow in FY 22 and continue into FY 23. The bill requires the commission to consult with the University of Connecticut regarding entering into a research partnership in support of equity in the cannabis business sector. The commission is further directed to attempt to partner with UConn for up to six months and as needed thereafter. If the commission executes an agreement with UConn that extends beyond six months, the fiscal impact may increase in FY 22 and extend into FY 23. The estimated

partnership cost to the commission and revenue to UConn is based on a six-month partnership involving data analysis, consultation with national experts, and training.

Section 29 results in a one-time cost of up to \$10,000 in FY 22 to the State Department of Education to amend state data collection and reporting systems to add and process separate cannabis-related substance types.

Sections 30 and 31 are not anticipated to result in a fiscal impact to the Department of Housing (DOH) as the provisions of **section 31** (and not **section 30**) are understood to apply to the federally assisted housing programs the DOH administers.

Section 31 requires the Office of the Attorney General (OAG) to conduct periodic racial impact reviews of denials and evictions for cannabis-related reasons once every two years. The bill stipulates that if the OAG identifies discrimination patterns in federally assisted housing based on lawful cannabis activity, the Attorney General would take remedial and corrective measures including injunctive relief and imposing civil penalties not to exceed \$100,000 for each instance of a policy that creates a disparate racial impact in the housing matters.

This requirement may result in costs of \$82,670 in FY 22 and \$85,150 in FY 23 to hire an additional Assistant Attorney General to conduct the mandatory reviews and bring the cases, if necessary, under the new program. The requirement for additional racial impact reviews could also result in a cost of \$33,316 in FY 22 and \$35,167 in FY 23 for fringe benefits associated with the new position to the extent the number of racial impact reviews is significant.

Section 31 is also expected to result in a revenue gain to the General Fund associated with the civil penalty provision related to racial impact discrimination in housing, the extent to which depends on the number of violations that occur.

Sections 33 and 34 require the erasure of certain police and court

records resulting in a cost to the state of up to \$1.2 million in FY 22 and \$1.3 million in FY 23 (includes salary and fringe benefits). To meet the requirements of the bill the Department of Emergency Services and Public Protection, Division of Criminal Justice, and the Judicial Department will have to hire up to 5 durational administrative assistants each. The final cost will be dependent on how many administrative assistants each agency hires and how long they are needed to erase the records specified under the bill.

These sections also result in a potential cost to municipalities to the extent additional staff are hired, or overtime is incurred, due to the requirement that certain electronic records be deleted. It is anticipated potential costs will be isolated to municipalities with greater volumes of criminal records.

Sections 35, 51-53, and 56 make various conforming changes to consumer protection statutes, resulting in no fiscal impact.

Section 36, 37, 49, 55, 57, 58, and 59 create new violations for cannabis and results in a marginal cost for violations and revenue from fines. On average, the marginal cost to the state for incarcerating an offender for the year is \$2,200⁶ while the average marginal cost for supervision in the community is less than \$700⁷ each year.

Section 38 requires the Police Officer Standards and Training Council (POST) to determine how many drug recognition experts (DRE) are needed for each law enforcement unit resulting in a potential cost to

⁶ Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.). This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

⁷ Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

various agencies⁸ and municipalities. If agencies with law enforcement units and municipalities do not meet the minimum standard developed by POST they will need to train additional DREs resulting in a potential cost.

Section 38 also requires each police officer who has not been recertified for the first time after the initial certification to be trained in advanced roadside impaired driving enforcement (ARIDE) resulting in a cost to various agencies and municipalities for the training. For example, the cost for the Department of Transportation to hold additional classes is estimated at approximately \$50,000 annually.

Section 40 expands the administrative license suspension process to drug-impaired drivers and results in a cost to the Department of Motor Vehicles of approximately \$720,400 in FY 22 and \$748,107 in FY 23 for salary and fringe benefit costs for seven new positions, and a one-time cost in FY 22 of \$115,802 for information technology and ancillary costs.

Sections 46 and 47 modify allowable possession of cannabis and results in a marginal savings due to decreased violations and revenue loss from less fines collected.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to: 1) inflation, 2) the length of time required to erase records, and 3) the number of racial impact reviews performed by the OAG and the number of violations that occur.

⁸ Agencies with law enforcement personnel include Department Emergency Services and Public Protection, Office of Legislative Management, Department of Energy and Environmental Protections, the Department of Transportation and the Higher Education Constituent Units.

OLR Bill Analysis**sHB 6377****AN ACT CONCERNING LABOR PEACE AGREEMENTS AND A
MODERN AND EQUITABLE CANNABIS WORKFORCE.**

TABLE OF CONTENTS:

[FILE NO. 462](#)[SUMMARY:](#)[§ 1 — DEFINITIONS](#)

Defines numerous terms including cannabis, cannabis establishment and business, cannabis product, and labor peace agreement

[§ 2 — DECD WORKFORCE TRAINING AND SMALL BUSINESS
GRANTS](#)

Appropriates \$5 million annually from the General Fund to DECD for FY 22-FY 26 for (1) workforce training program grants for residents with adverse criminal history related to cannabis, (2) grants and loans for new small cannabis businesses, and (3) grants and loans to municipalities and community development organizations for rehabilitating facilities for cannabis equity applicants; restricts the funding to 12 towns for the initial five years

[§ 3 — EMPLOYMENT PROTECTIONS](#)

Bars employers from (1) prohibiting the possession, use, or other consumption of cannabis in the course of employment unless certain conditions are met and (2) discriminating against an employee for using cannabis outside employment; exempts any position or condition of employment governed by federal law that preempts this provision

[§§ 4-7 — CANNABIS EQUITY TASK FORCE](#)

Creates a task force to make recommendations to the governor and General Assembly regarding the equity relevant to the state cannabis industry; includes conflict of interest provisions for task force members; requires the task force to issue a report that includes recommendations on qualifying criteria for “equity applicants” for licenses; establishes a task force budget

[§§ 8, 9 & 12 — CANNABIS CONTROL COMMISSION](#)

Establishes the commission as an independent agency with regulatory authority over cannabis for non-medical use; authorizes it to hire staff; requires it to establish licenses

[§§ 10, 11 & 16 — INTERACTION WITH MEDICAL MARIJUANA LAW](#)

Requires its provisions to prevail over conflicting provisions of medical marijuana law; prohibits commission licensees from holding themselves out as medical marijuana providers unless they obtain that license; temporarily prohibits the commission from considering a medical marijuana provider’s application for a license

§§ 1, 13 & 15 — COMMISSION LICENSES

Requires the commission to establish, issue, and regulate licenses authorizing various aspects of cannabis cultivation, production, and sale; creates qualifications for licensure as an equity applicant; creates a microbusiness license; authorizes the commission to create additional licenses in the future; requires the commission to adopt regulations

§ 14 — LEGALIZATION OF HOME-GROWN CANNABIS PLANTS

Allows anyone age 21 or older to possess and cultivate certain amounts of cannabis at their primary residence without arrest, prosecution, or any denial of a right or privilege

§ 17 — LABOR PEACE AGREEMENTS

Requires labor peace agreements for each cannabis establishment in order to maintain a license

§§ 18 & 19 — OFFICE OF JUSTICE REINVESTMENT (OJR)

Requires the establishment of the Office of Justice Reinvestment; authorizes it to hire staff; specifies its oversight powers, including over grants provided under the bill; requires state agencies to delegate powers to the office for it to carry out its duties; authorizes OJR to request and compel documents for an investigation

§ 20 — CANNABIS CONTROL COMMISSION OPERATIONAL TRUST FUND

Establishes the Cannabis Control Commission Operational Trust Fund; requires licensing fees and sales tax revenue to be deposited in the fund; specifies how trust fund money must be used; requires at least 10% of the trust's funds to be spent to support workforce development programs

§ 21 — CANNABIS TAXES

Establishes a 10% sales tax surcharge on cannabis sales; allows municipalities to impose a municipal sales tax of up to 5%; establishes a restorative justice tax on cannabis businesses equal to 2% of their gross revenue over \$1 million and 10% on gross revenue over \$10 million

§ 22 — MUNICIPAL LIMITATIONS

Prohibits municipalities from unconditionally prohibiting the operation of cannabis establishments; permits municipalities to regulate zoning, licensing, hours of operation, and other aspects as long as it is not a greater burden than that imposed on alcohol businesses

§ 23 — INTERSTATE COMPACT FOR CANNABIS COMMERCE

Requires the governor to invite other jurisdictions with legal cannabis to enter an interstate or inter-jurisdictional compact that provides for well-regulated interstate and interjurisdictional commerce in cannabis; requires the governor to seek agreement from federal agencies that regulate commerce to not interfere with cannabis commerce conducted under a compact

§ 24 — CONFLICTS OF INTEREST

Prohibits certain government employees and officials, including commissioners on the Cannabis Control Commission, from having any financial or managerial interest in a licensed cannabis establishment; prohibits the same officials from receiving commissions, profits, gifts, promises of future employment, and other enticements

§ 25 — MUNICIPAL CONDITIONS

Prohibits towns and local officials from conditioning an official action, or accepting a donation, from a cannabis establishment or an individual that applied for a license; bans a

town from entering into a local host agreement with a cannabis establishment or an individual applying for a license that violates the bill, either directly or indirectly

§ 26 — MUNICIPAL ELIGIBILITY FOR CANNABIS WORKFORCE AND ECONOMIC DEVELOPMENT FUNDING

Requires municipalities to adopt the task force's findings in order to be eligible for grants and loans under the bill

§ 27 — UCONN RESEARCH PARTNERSHIP

Requires the commission to consult with UConn regarding a cannabis business sector research partnership

§ 28 — PROTECTION OF PARENTAL RIGHTS

Provides that a parent, grandparent, or guardian cannot face (1) a child welfare or family court action or (2) an adverse finding regarding any right of privilege in a proceeding, if it is solely or primarily based on the presence of cannabis traces in the person's system, conduct related to cannabis use, or participation in a cannabis-related business that the bill makes legal

§ 29 — EDUCATIONAL INSTITUTIONS AND STUDENTS

Requires any educational institution receiving public funds or subject to state regulations to revise and implement student disciplinary policies to conform to the bill's criteria; prohibits disciplinary policies from barring student or school involvement in a criminal investigation; prohibits using out-of-school suspension for more than 10 days to discipline a student found to illegally possess cannabis on school premises; protects financial aid or student loan recipients from losing their eligibility, rights, privileges, or options because of cannabis-related activity the bill allows; provides certain protections for people legally living in student housing for cannabis-related activity the bill allows; allows a student subjected to school discipline in violation of the bill's protections to bring a lawsuit

§ 30 — HOUSING

Makes it illegal to refuse to rent, lease, license, or sell any housing based on a person's prior cannabis-related charge or conviction or involvement in the lawful cannabis business sector; exempts certain types of lodging, such as (1) sober living or other therapeutic housing and (2) temporary lodgings, including hotels, motels, camps, and private homes

§ 31 — FEDERALLY ASSISTED HOUSING

Makes it illegal to refuse to rent, lease, license or otherwise make unavailable any unit of housing based on a person's cannabis-related charge or arrest without conviction or substantial independent evidence; places requirements on federally-assisted housing including to notify the commission and the OJR when there are denials or evictions based on lawful cannabis activity; requires the attorney general to promptly take reasonable remedial and corrective measures, including seeking equitable and injunctive relief, if a review identifies a pattern of disparate racial impact or intentional discrimination based on lawful cannabis activity

§ 32 — TRIBAL SOVEREIGNTY

States the bill must not be interpreted to infringe on tribal sovereignty to establish laws, regulations, or ordinances or to govern and regulate matters of public policy within the tribal boundaries; requires that lawful tribe-certified cannabis operations be considered licensed entities for the purpose of commerce between cannabis businesses

§§ 33 & 34 — CRIMINAL RECORD ERASURE

Allows anyone convicted on or after October 1, 2015, for possessing or possessing with intent to sell six ounces or less of cannabis to file a court petition to erase the related records; provides for automatic erasure of records for older convictions for possessing less than four ounces of cannabis or any quantity of non-narcotic or non-hallucinogenic drugs; makes various changes to existing procedures to erase records for any decriminalized offense

§ 35 — CANNABIS LABORATORIES

Authorizes cannabis laboratories and their employees to obtain and test cannabis from any source and makes related changes

§§ 36 & 37 — CANNABIS USE IN MOTOR VEHICLES

Makes it a (1) class C misdemeanor to smoke, otherwise inhale, or ingest cannabis while driving a motor vehicle and (2) class D misdemeanor to smoke cannabis in a motor vehicle

§ 38 — DRUG RECOGNITION EXPERTS AND ADVANCED ROADSIDE IMPAIRED DRIVING ENFORCEMENT

Requires POST and DOT to determine the number of drug recognition experts needed, requires certain officers to be trained in advanced roadside impaired driving enforcement, and requires related training plans

§ 39 — DRIVING UNDER THE INFLUENCE (DUI)

Modifies the state's DUI law, including allowing drug influence evaluations to be admitted as evidence, allowing courts to take judicial notice of THC's effects, and providing immunity to people who draw blood at a police officer's direction

§ 40 — ADMINISTRATIVE PER SE LICENSE SUSPENSION PROCESS

Makes changes to the administrative per se process, including (1) expanding it to include procedures for imposing penalties on drivers without an elevated BAC but found to be driving under the influence based on behavioral impairment evidence and (2) applying the existing per se process to operators who refuse the nontestimonial portion of a drug influence evaluation

§ 41 — PROCEDURES FOR ACCIDENTS RESULTING IN DEATH OR SERIOUS INJURY

Modifies intoxication testing procedures for accidents resulting in death or serious injury, including by requiring drug influence evaluations of surviving operators

§ 42 — COMMERCIAL VEHICLE DRIVING DISQUALIFICATION

Extends existing commercial motor vehicle driving disqualification penalties to drivers who refused a drug influence evaluation or drove under the influence of alcohol, drugs, or both

§ 43 — EDUCATIONAL MATERIALS ON DRE PROGRAM AND DRUG INFLUENCE EVALUATIONS

Requires the Traffic Safety Resource Prosecutor to develop educational materials and programs about the DRE program and drug influence evaluations

§ 44 — ADMINISTRATIVE PENALTIES FOR BOATING UNDER THE INFLUENCE

Makes changes to DEEP's administrative sanctions process for boating under the influence that are substantially similar to the bill's changes to DMV's administrative per se process

§ 45 — BOATING UNDER THE INFLUENCE

Makes substantially similar changes to the boating under the influence law as those the bill makes to the DUI law, such as allowing DREs to testify in boating under the influence cases

§§ 46, 47 & 53 — CANNABIS POSSESSION, USE, AND GIFTS

Allows people age 21 or older to possess or use cannabis or gift it to other such people, up to a six-ounce possession limit; establishes penalties for people under age 21 who possess up to 2.5 ounces, similar to existing penalties for possessing up to 0.5 ounce

§ 48 — SEARCHES AND MOTOR VEHICLE STOPS

Limits when cannabis odor or possession can justify a search or motor vehicle stop

§ 49 — DOMESTICATED ANIMALS

Establishes penalties for feeding cannabis to domesticated animals in some circumstances

§ 50 — CONTRACT ENFORCEABILITY AND LAW ENFORCEMENT RESOURCES

Prohibits the state or political subdivisions from taking adverse actions substantially based on cannabis-related federal law violations; makes it the state's public policy that contracts by cannabis establishments are enforceable; and prohibits law enforcement from spending time or resources on cannabis-related federal violations

§ 51 — RETURN OF SEIZED PROPERTY

Requires the return of drug paraphernalia or other cannabis-related products seized from a consumer for a suspected violation of the law on cannabis possession

§ 52 — CANNABIS PARAPHERNALIA

Allows consumers to manufacture, possess, or purchase cannabis-related paraphernalia or gift, distribute, or sell it to other consumers

§ 54 — PAROLE, SPECIAL PAROLE, OR PROBATION

Limits when (1) cannabis possession or use can be grounds to revoke parole, special parole, or probation and (2) conditions of parole, special parole, or probation can prohibit employment in a cannabis-related business

§ 55 — PENALTIES FOR SALES TO UNDERAGE PERSONS

Establishes penalties for cannabis establishments and employees who sell to people under age 21

§ 56 — PHOTO IDENTIFICATION

Allows cannabis establishments and employees to require customers to have their photos taken or show IDs to prove their age and provides an affirmative defense for relying on these documents; otherwise limits the use of these photos or information; allows DCP to require cannabis establishments to use an online age verification system

§ 57 — PENALTIES FOR INDUCING UNDERAGE PERSONS TO BUY CANNABIS

Establishes penalties for inducing someone under age 21 to buy cannabis

§ 58 — IDENTIFICATION USE AND PENALTIES FOR ATTEMPTED PURCHASES BY UNDERAGE PERSONS

Allows driver's licenses and non-driver ID cards to be used to prove age for buying cannabis; establishes penalties for underage persons who misrepresent their age or use someone else's license in an attempt to buy cannabis

§ 59 — PROHIBITION ON ALLOWING UNDERAGE PERSONS TO LOITER AT CANNABIS RETAILERS

Establishes penalties for cannabis retailers or their agents or employees who allow individuals under age 21 to loiter at the premises

COMMENT

BACKGROUND

SUMMARY:

This bill makes numerous changes to employment, licensing, consumer, economic development, tax, criminal justice, and traffic enforcement laws to establish a legal recreational cannabis consumer and business sector.

The bill establishes an Equity Task Force to make recommendations to the General Assembly and the governor, and a Cannabis Control Commission to issue and regulate various cannabis licenses, including equity licenses. It creates (1) a new workforce training and small business grant program to help support new small cannabis businesses in the state and (2) employment and housing protections related to legal cannabis for adults.

The bill allows individuals age 21 or older (consumers) to possess and use cannabis (marijuana) and cannabis products, subject to a six-ounce possession limit. It allows for the erasure of criminal records for those convicted of possessing small amounts of cannabis. It establishes specific penalties for various actions, such as (1) individuals under age 21 possessing certain quantities of cannabis or attempting to purchase it and (2) retailers selling cannabis to customers under age 21.

The bill modifies the state's driving under the influence (DUI) and boating under the influence laws and the related administrative sanction processes to enhance enforcement of those who are drug impaired but do not have an elevated blood alcohol content (BAC). It includes increasing the number of police officers trained in impaired driving assessment techniques. It also makes it illegal to use cannabis products while driving or smoke cannabis in a motor vehicle.

EFFECTIVE DATE: Various, see below

§ 1 — DEFINITIONS

Defines numerous terms including cannabis, cannabis establishment and business, cannabis product, and labor peace agreement

This bill defines numerous applicable terms, including the following:

1. “cannabis” means all parts of a plant or species of the genus cannabis whether growing or not, including its seeds and resin, compounds, manufactures, salts, derivatives, mixtures and preparations, and cannabimon, cannabinol, and cannabidiol; but excluding the plant’s mature stalks, fiber produced from the stalks, fiber, oil, or cake, sterilized seeds, and industrial hemp;
2. “cannabis establishment” or “cannabis business” means any cannabis business licensed or seeking licensure by the Cannabis Control Commission (CCC) created in the bill;
3. “cannabis product” means a cannabis concentrate or a product that is comprised of cannabis or cannabis concentrates and other ingredients and is intended for use or consumption;
4. “bona fide labor organization” means a labor union (a) that represents employees in this state with regard to wages, hours, and working conditions; (b) whose officers have been elected by a secret ballot or otherwise in a manner consistent with federal law; (c) that is free of domination or interference by any employer; (d) that has received no improper assistance or support from an employer; and (e) that is actively seeking to represent cannabis workers in this state; and
5. “labor peace agreement” means an agreement between a cannabis establishment and a bona fide labor organization that protects the state’s interests by, at minimum, prohibiting the labor organization from engaging in picketing, work stoppages or boycotts against the cannabis establishment.

EFFECTIVE DATE: Upon passage

§ 2 — DECD WORKFORCE TRAINING AND SMALL BUSINESS GRANTS

Appropriates \$5 million annually from the General Fund to DECD for FY 22-FY 26 for (1) workforce training program grants for residents with adverse criminal history related to cannabis, (2) grants and loans for new small cannabis businesses, and (3) grants and loans to municipalities and community development organizations for rehabilitating facilities for cannabis equity applicants; restricts the funding to 12 towns for the initial five years

The bill appropriates \$5 million from the General Fund to the Department of Economic and Community Development (DECD) for each fiscal year from FY 22 through FY 26 for workforce training, small business support, and facilities rehabilitation in 12 specific towns. Specifically, the bill requires the funds to be used to:

1. provide grants for workforce training, education, and other programs to the entities described below that prepare state residents with an adverse criminal history related to cannabis to participate in the lawful cannabis business sector and in secondary industries that directly support it;
2. provide grants or low-interest loans in support of equity among new small cannabis businesses in the state or on tribal lands within the state that commit to engaging in substantial workforce development, apprenticeships, or on-the-job training and education for individuals with an adverse criminal history related to cannabis;
3. provide grants and loans to municipalities, community development corporations, and other public or private entities for (a) rehabilitating disused or abandoned industrial and commercial facilities and remediating brownfields that are reserved for cannabis equity applicants and licensees (see § 13) and (b) supporting environmental justice in communities of color and low-income communities; and
4. administer the above grants, including hiring additional staff, contracting with vendors, engaging in public outreach and education, and funding any other measures that the DECD

commissioner deems necessary to ensure the grants and loans are provided in an equitable manner and comply with program regulations.

For five years beginning with FY 22, the grants must be awarded exclusively to individuals, organizations, or public municipal entities located in Ansonia, Bloomfield, Bridgeport, Derby, Hartford, New Britain, New Haven, New London, Norwalk, Torrington, Waterbury, and Windham. After five years, grants may be awarded to individuals, organizations, or public municipal entities in all municipalities.

The workforce training grants created in the bill may be directed toward a range of organizations including workforce training providers, educational institutions, labor unions, private employers, nonprofit community organizations, local governments, and other public and private entities that DECD identifies in consultation with the Labor Department (DOL), the Black and Puerto Rican Caucus (BPRC), the Governor's Workforce Council, and the Cannabis Control Commission (hereafter, "commission") and Office of Justice Reinvestment (OJR) established under the bill.

The bill requires the DECD commissioner to adopt regulations, issue guidance, and create forms and procedures as he deems necessary to ensure that grants are distributed in an equitable and cost-effective manner for their intended purpose.

EFFECTIVE DATE: Upon passage

§ 3 — EMPLOYMENT PROTECTIONS

Bars employers from (1) prohibiting the possession, use, or other consumption of cannabis in the course of employment unless certain conditions are met and (2) discriminating against an employee for using cannabis outside employment; exempts any position or condition of employment governed by federal law that preempts this provision

Starting one year after the bill's passage, it prohibits employers from:

1. barring employees from possessing, using, or consuming cannabis in the course of employment unless the policy is (a) in writing, (b) equally applicable to each employee, (c) available to

each employee before it becomes effective, (d) directly related to a clear business necessity, and (e) given to each prospective employee when the employer makes an offer of employment to the prospective employee;

2. requiring an employee or prospective employee, as a condition of employment, to refrain from using cannabis outside employment;
3. discriminating against an employee with respect to compensation, terms, conditions, or privileges of employment for using cannabis outside employment;
4. discriminating against an employee or prospective employee based on their prior, current, or future involvement in lawful cannabis commerce; and
5. retaliating against an employee or prospective employee for alleging a violation of these prohibitions or assisting another employee in an investigation of an alleged violation.

The bill exempts any position or condition of employment governed by federal law that preempts these provisions regarding an employee's possession, use, or other consumption of cannabis or involvement in lawful cannabis commerce.

Under the bill, people aggrieved by violations of its protections may bring a civil suit for compensatory damages and judicial enforcement, plus attorney's fees and costs.

EFFECTIVE DATE: Upon passage

§§ 4-7 — CANNABIS EQUITY TASK FORCE

Creates a task force to make recommendations to the governor and General Assembly regarding the equity relevant to the state cannabis industry; includes conflict of interest provisions for task force members; requires the task force to issue a report that includes recommendations on qualifying criteria for "equity applicants" for licenses; establishes a task force budget

Composition and Charge (§ 4)

The bill establishes the Cannabis Equity Task Force (hereafter “task force”) to study and issue recommendations to the governor and General Assembly regarding equity relevant to establishing and regulating cannabis cultivation, manufacturing, and sales in the state. The bill defines “equity” and “equitable” as regulations, policies, programs, standards, processes, and other functions of government or law intended to: (1) identify and remedy past and present patterns of discrimination and disparities of race, ethnicity, gender, and sexual orientation; (2) ensure that these patterns and disparities, whether intentional or unintentional, are not continued; and (3) prevent the emergence and persistence of foreseeable patterns of discrimination or disparities of race, ethnicity, gender, and sexual orientation.

The seven-member task force consists of the DOL, DECD, and Department of Consumer Protection (DCP) commissioners (or their designees), plus four members appointed by the BPRC. The task force members are referred to as commissioners and they elect a chairperson from among themselves.

The appointing authority may remove any of the four appointed commissioners at any time and must appoint a replacement within 14 days after the removal.

Under the bill, BPRC appointed commissioners (1) cannot have any present or pending financial or managerial interest in any cannabis business in this state and (2) must have entirely divested themselves of any of these interests at least 14 days before accepting the appointment.

The task force must establish rules for the task force’s meetings and governance as it deems reasonable and necessary to carry out the purpose described in the bill. There must be a quorum of at least four commissioners present for any binding vote.

Task Force Report Findings (§ 5)

The bill requires the task force, within one year after the seventh commissioner is appointed, to report detailed findings of fact to the General Assembly and the governor regarding:

1. historical and present-day social, economic, and familial consequences of cannabis prohibition, the criminalization and stigmatization of cannabis use, and related public policies;
2. historical and present-day structures, patterns, causes, and consequences of intentional and unintentional racial discrimination and racial disparities in the development, application, and enforcement of cannabis prohibition and related public policies;
3. foreseeable, long-term social, economic, and familial consequences of unremedied past racial discrimination and disparities arising from past and continued cannabis prohibition, stigmatization, and criminalization;
4. existing patterns of racial discrimination and racial disparities in access to entrepreneurship, employment, and other economic benefits arising in the medical marijuana sector; and
5. any other matters it deems relevant and feasible in making its recommendations.

Task Force Report Recommendations (§ 6)

The bill also requires the task force, when it issues the above report, to issue specific recommendations (1) for the legislature and governor to implement in order to create and regulate an equity-based and lawful adult-use cannabis business sector; (2) to remedy and uproot past and present patterns of racial and other forms of unlawful discrimination arising from cannabis prohibition, stigmatization, and criminalization; and (3) for the legislature and governor to improve and achieve equity within the medical marijuana sector.

The bill requires the task force to issue additional recommendations about the criteria and regulatory structure the commission should use when defining “equity applicant” and “equity applicant ownership of a cannabis business” for licensing purposes. Under the bill, an equity applicant means an applicant for a commission-issued license who must

be given priority eligibility for licensure based on criteria and qualifications established under the commission's licensing standards (see § 13).

The task force must, at a minimum, recommend the following:

1. criteria to qualify as an equity applicant or business and the benefits and responsibilities that should accompany this classification;
2. limitations and controls to be imposed on the ownership, transfer, and sale of businesses receiving these benefits;
3. amount of capital and number of cannabis businesses needed to sustain an equitable cannabis business sector and workforce composition in the state; and
4. amendments to cannabis-related criminal statutes, penalties, and related collateral civil consequences of convictions.

Cannabis Equity Task Force Budget (§ 7)

The bill provides the task force with a budget of \$500,000 allocated from the General Fund (the bill does not specify the fiscal years to which this allocation applies).

From these funds, the task force must contract with researchers and research organizations and may hire staff and purchase goods and services in order to carry out its duties and purposes including developing, in a thorough and timely manner, the findings of fact and recommendations the bill requires of the task force.

It also requires the task force, when selecting researchers and research organizations, to prioritize hiring researchers and research organizations (1) with substantial experience in qualitative and quantitative research related to race and racial disparities and (2) that are certified minority-owned businesses operating in the state. (The bill does not specify from what authority a business must be certified minority-owned in order to be prioritized.) The bill specifies this

provision must not be interpreted to limit the number or areas of knowledge and expertise of researchers and research organizations that the task force may hire. The task force must supervise and manage all hires made pursuant to this section.

The bill states that any moneys remaining after the task force completes its duties must be retained in trust and remitted to the commission to support the commission's first year of operations.

EFFECTIVE DATE: Upon passage

§§ 8, 9 & 12 — CANNABIS CONTROL COMMISSION

Establishes the commission as an independent agency with regulatory authority over cannabis for non-medical use; authorizes it to hire staff; requires it to establish licenses

Commissioners and Staff (§ 8)

The bill establishes the commission, composed of five commissioners who must be appointed and seated within six months after the task force issues its report and recommendations. The commission members are the DOL, DCP, and DECD commissioners (or their qualified designees), plus two members the BPRC appoints (the bill does not specify what qualified means here).

The BPRC appointees have two-year renewable terms and a base annual salary of at least \$100,000. They may be removed for cause by the BPRC at any time. The bill requires that any vacancy be filled within 30 days.

The bill requires the commission to employ an executive director and allows it to establish, alter, and remove subordinate offices within the commission. It also allows the commission to hire staff, contract with personnel and vendors, establish an operational budget, spend moneys, communicate with the general public, and carry out all other ordinary duties and activities of a regulatory agency.

The commission must establish rules for its own operations and decision-making, but it cannot make any public policy decisions without a properly convened quorum, which consists of at least three

commissioners.

Commission Powers (§ 9)

The bill establishes the commission as an independent agency with exclusive regulatory authority and oversight over all aspects of the cultivation, production, distribution, transport, sale, and other commerce in cannabis and cannabis products for nonpalliative and nonmedical use, unless expressly provided under the bill. Under the bill, cannabis is defined as cannabis-type substances (as described above), as specified in existing law for the medical marijuana program.

The bill expressly states that its provisions do not prevent the commission from cooperating with other departments, agencies, or state or local authorities provided the commission does not delegate final decision-making authority on any matter under its jurisdiction to any authority or body outside of the commission and its subordinate offices.

The bill allows the commission to adopt regulations to (1) establish a system of cannabis business licenses; (2) investigate applicants, licensees, and other relevant persons; (3) set standards; (4) set and waive fees; (5) hold administrative hearings; and (6) impose discipline and take other measures needed to establish a modern well-regulated cannabis business sector, ensure equity in all aspects of the sector, and protect public safety and public health related to cannabis use.

Furthermore, the commission must, as part of carrying out its duties, adopt the task force's findings of fact and seek to implement the task force recommendations. The commission and the OJR, must report every six months to the General Assembly and the governor on the commission's progress toward implementing the recommendations until all the recommendations are fulfilled. The reports must be made available to the public.

Allowance for Prior Cannabis-Related Offenses (§ 12)

The bill prohibits the commission from adopting or implementing any regulation or other requirement that prohibits individuals from participating in or obtaining licensure in the lawful cannabis business

sector because of an arrest or conviction for a (1) cannabis-related offense or (2) misdemeanor drug offense.

EFFECTIVE DATE: Upon passage

§§ 10, 11 & 16 — INTERACTION WITH MEDICAL MARIJUANA LAW

Requires its provisions to prevail over conflicting provisions of medical marijuana law; prohibits commission licensees from holding themselves out as medical marijuana providers unless they obtain that license; temporarily prohibits the commission from considering a medical marijuana provider's application for a license

The bill provides that if any of its provisions, or regulations adopted under its authority, conflict with any provisions of the medical marijuana law, the provisions of the bill prevail.

It also prohibits anyone licensed by the commission from holding itself out as providing medical marijuana unless licensed by DCP under the medical marijuana laws. The bill specifies that this does not prohibit someone from holding both types of licenses.

Further, the bill temporarily prohibits the commission from accepting an application for any type of license from someone who owns or operates a licensed medical marijuana business, until OJR determines that equity in ownership in the cannabis business sector has been sustainably achieved.

EFFECTIVE DATE: Upon passage

§§ 1, 13 & 15 — COMMISSION LICENSES

Requires the commission to establish, issue, and regulate licenses authorizing various aspects of cannabis cultivation, production, and sale; creates qualifications for licensure as an equity applicant; creates a microbusiness license; authorizes the commission to create additional licenses in the future; requires the commission to adopt regulations

The bill requires the commission, within one year after it is established, to establish, issue, and regulate licenses for the following:

1. the cultivation and production of cannabis ("cannabis cultivation facility" means a facility licensed to cultivate, prepare, and package cannabis and sell cannabis to cannabis product manufacturing facilities, cannabis retailers, and other cannabis

- cultivation facilities);
2. the manufacture of cannabis products intended for sale (“cannabis product manufacturing facility” means a facility licensed to purchase cannabis; manufacture, prepare and package cannabis products; and sell cannabis and cannabis products to cannabis product manufacturing facilities and cannabis retailers);
 3. the retail sale of cannabis and cannabis products to consumers (“cannabis retailer” means a person registered to (a) purchase cannabis from cannabis cultivation facilities, (b) purchase cannabis and cannabis products from cannabis product manufacturing facilities, and (c) sell cannabis and cannabis products to consumers);
 4. laboratories for testing cannabis under standards and guidelines the commission establishes (“laboratory” means a laboratory in the state licensed to analyze controlled substances as permitted under state law);
 5. businesses that deliver cannabis and cannabis products directly to consumers at a residential address;
 6. microbusinesses, (“cannabis microbusiness” means a vertically integrated cannabis business with no more than 10,000 total square feet of space dedicated to cultivating cannabis plants or manufacturing cannabis products that is (a) permitted to cultivate, process, and distribute cannabis and cannabis products to licensed retailers and to deliver its own cannabis or cannabis products directly to consumers under a single license, and (b) eligible for approval as a social consumption establishment); and
 7. social consumption establishments and cannabis lounges (“social consumption establishment” means a facility or part of a facility that is (a) approved to sell cannabis or cannabis products to consumers for on-premises consumption, except by smoking, or (b) approved to allow

consumers to bring cannabis or cannabis products to the premises for on-premises consumption, except by smoking, without the intent to sell, distribute for compensation of any kind, or engage in any other manner of commercial transaction involving cannabis or cannabis products; a “cannabis lounge” is a type of social consumption establishment approved to exclusively sell cannabis or cannabis products for on-premises consumption, except by smoking).

License Revocation (§ 13(d))

The bill authorizes the commission to revoke any of the above license types upon a finding that it fails to improve equity within the cannabis business sector, fails to be fiscally prudent, or endangers public safety or health, as long as the license holders have reasonable notice and an opportunity to appeal the decision under state law.

License Regulations (§ 13(c))

The bill requires the commission to adopt regulations for each of the above licenses, set standards, and establish mechanisms necessary to enforce the bill’s provisions, and to ensure equity, fiscal prudence, public safety, and public health. This provision does not appear to include equity licenses (§ 13 (e)) or as yet undetermined licenses the commission may establish later (§ 13 (b)).

Equity Applicant Licenses (§ 13(e))

The bill requires the commission to establish eligibility criteria and qualifications for equity applicant licenses. These must include people who (1) were arrested for or convicted of a cannabis criminal offense or (2) had a parent or sibling who was arrested or convicted of one. But, it requires that the absence of such an arrest or conviction must not automatically disqualify a person from eligibility for an equity applicant license if other criteria and qualifications, as established by the commission, are satisfied.

The bill allows the commission, in consultation with OJR, to consider permanent residency in a neighborhood that meets the bill’s requirements as an additional qualification for an equity applicant. The

commissioner may do so as long as the residency qualification is compatible with the task force's findings of fact and recommendations.

Under the possible permanent residency requirement, a neighborhood, as defined by the commission, must meet at least three of the following criteria:

1. median income below 80% of the state's average median household income;
2. unemployment rate at least 150% of the state's rate;
3. uninsured rate for health insurance of at least 150% of the state's rate;
4. food stamp or SNAP (supplemental nutrition assistance plan) rate at least 150% of the state's rate;
5. poverty rate of at least 150% of the state's rate;
6. disproportionately high rates of arrest, conviction, and incarceration for cannabis possession; or
7. any other criteria and qualifications the commission identifies.

The bill allows the commission, consultation with OJR, to establish other eligibility criteria for equity licenses not based on residency or neighborhood, as long as they are still generally compatible with the task force's finding of fact and recommendations.

Licenses Issued in Two Phases (§ 13(f))

The bill also requires the commission, for all license types, to solicit applications, issue licenses, and permit the start of operations in two phases. Phase one is for equity applicants only (except as described below); phase two is for regular applicants and begins one year after the first equity applicant of the same license type begins operations. The bill defines "operations" as the first date that a cannabis business transaction authorized by a license takes place in the cannabis

establishment.

The bill allows DCP-licensed medical marijuana dispensaries that are fully operational and in good standing with any state agency, including with the Department of Revenue Services, to seek licensure under a cannabis retailer license and begin operations under that license, simultaneous with equity applicants. The dispensaries must have been in good standing for at least 12 months before January 1, 2021. Medical marijuana dispensaries that do not qualify as equity applicants must seek licensure as regular applicants (for licenses other than cannabis retailer licenses).

Furthermore, to be eligible for licensure simultaneous with the equity applicants, a dispensary (1) must, as a condition of licensure, purchase cannabis and cannabis products exclusively from licensed equity applicants, whether they are cultivators, retailers, manufacturers or microbusinesses, and (2) is prohibited from diverting cannabis or cannabis products intended for medical or palliative care to sale in the adult use market.

Consulting With OJR (§ 13(h))

The bill requires the commission to consult with OJR regarding regulations, requirements, qualifications, standards, and application review for all license types and for both equity applicants and regular applicants.

Equity Applicant Regulations (§ 13(i))

The bill requires the commission to adopt regulations that (1) limit changes or ownership transfers of businesses holding an equity applicant license and (2) strictly limit the use of subsidiaries, holding, and shell companies and other similar corporate vehicles in the equity application process to preserve the bill's equitable purposes and prevent misuse of the equity application process. The regulations must include (1) a 10-year prohibition on transferring or selling a business licensed by an equity applicant to a person or business that does not qualify as an equity applicant or licensee, and (2) a requirement to repay for the

previous 10 years all equity-based license fee waivers, subsidies, grants, low-interest loans and other financial supports provided by the state.

Cannabis Microbusiness License (§ 15)

The bill specifically requires that a cannabis microbusiness license allow for, under a single microbusiness license, the (1) cultivation, processing, manufacture and distribution of cannabis and cannabis products to licensed retailers and (2) delivery of the microbusinesses' cannabis and cannabis products directly to consumers. It authorizes the holder of a cannabis microbusiness license to function in all these capacities regardless of any requirements, standards, or restrictions the commission can impose under its authority.

The bill (1) permits a licensed microbusiness to ask the commission to operate as a social consumption establishment and (2) presumes it eligible for approval if the social consumption establishment and the microbusiness are reasonably related and integrated into a single business operation sharing a single premises or adjacent premises, under the control of the license holder.

Hearing for Possible Additional Licenses (§ 13(b))

The bill requires the commission to deliberate and hold public hearings about establishing other types of licenses such as single-use event licenses. Furthermore, the commission, after at least one public hearing, may choose to issue and regulate additional license types if they are (1) likely to support equity within the cannabis business sector, (2) fiscally prudent, and (3) consistent with public safety and health.

EFFECTIVE DATE: Upon passage

§ 14 — LEGALIZATION OF HOME-GROWN CANNABIS PLANTS

Allows anyone age 21 or older to possess and cultivate certain amounts of cannabis at their primary residence without arrest, prosecution, or any denial of a right or privilege

One year after the bill becomes effective, it provides that anyone age 21 or older does not need a license and cannot be arrested, prosecuted, penalized, sanctioned, disqualified, or denied any right or privilege, or subject to seizure or forfeiture of assets for:

1. any cannabis produced by cannabis plants cultivated at the person's primary residence; or
2. possessing, cultivating, or processing up to six flowering plants at any one time for personal use at his or her primary residence, as the sole adult resident, or up to 12 flowering plants if the premises is shared by two or more adults.

It is not clear if this section conflicts with § 47 that imposes an individual possession limit of six ounces of cannabis and cannabis products.

EFFECTIVE DATE: Upon passage

§ 17 — LABOR PEACE AGREEMENTS

Requires labor peace agreements for each cannabis establishment in order to maintain a license

Under the bill, in addition to any other licensure requirements it establishes, the commission must require each cannabis establishment license applicant to enter into, maintain, and abide by the terms of a labor peace agreement. The bill requires that all labor peace agreements contain a clause that the parties agree that final and binding arbitration will be the exclusive remedy for any violation of the agreement.

Furthermore, each applicant, whether for initial licenses or renewals, must submit an attestation signed by the applicant and the bona fide labor organization stating that the applicant meets the labor peace agreement requirement. The bill states that the agreement is an ongoing material condition of a license and a violation, established exclusively through arbitration, may result in suspension, revocation, or denial of the renewal of the license.

The bill also requires the commission to require that each applicant for a cannabis cultivation or retail license whose operation entails substantial construction or renovation (1) pay at least the construction worker prevailing wage and (2) require the applicant to engage in a good faith negotiation of a project labor agreement. Under the

prevailing wage law that the bill references, the prevailing wage rates take effect for state or municipal projects that meet or exceed the following cost thresholds: (1) at least \$100,000 for renovation or repair and (2) at least \$1 million for new construction.

EFFECTIVE DATE: Upon passage

§§ 18 & 19 — OFFICE OF JUSTICE REINVESTMENT (OJR)

Requires the establishment of the Office of Justice Reinvestment; authorizes it to hire staff; specifies its oversight powers, including over grants provided under the bill; requires state agencies to delegate powers to the office for it to carry out its duties; authorizes OJR to request and compel documents for an investigation

The bill requires the commission to establish the OJR within six months after the commission is established. It also requires the commission to (1) hire staff, (2) authorize the OJR to hire staff, and (3) provide funding and other resources for the office to:

1. advise the commission, legislature, and governor on all equity matters under the commission's jurisdiction;
2. have quarterly meetings with the BPRC to provide (a) updates on implementing the task force recommendations, the cannabis business sector's condition, and any other equity-related matters and (b) any requests for legislation that OJR deems reasonable;
3. oversee cannabis workforce grants, loans, and other financial supports under the commission's jurisdiction (e.g., assessing their equitable distribution, their use by recipients, and recipient compliance with their terms);
4. investigate agreements between cannabis businesses and municipal governments and refer them to the commission for further review and action if they are contrary to the bill or any related regulation; and
5. conduct research, engage in public outreach and education, and carry out all other duties assigned to it by the commission.

Regarding the oversight of grants, loans, and other financial support,

the bill allows OJR to exercise any authority and powers delegated to it by the commission, DOL, DCP, or DECD, and any other state, local, or tribal authority in order to carry out its oversight duties. (The bill does not specify what powers these agencies may delegate to the OJR.).

Further, the bill requires, within 180 days after OJR is established, the commission, DOL, DCP, and DECD to expressly delegate powers to the OJR as necessary for it to carry out its duties, including duties the commission subsequently assigns to it. The bill also authorizes the commission and agencies to delegate additional power to, or enter into cooperative agreements with, OJR, so it may carry out its duties in a timely and efficient manner.

The bill authorizes OJR to request and compel the production of documents, data, witnesses, and other investigatory materials from other public entities and any private entity receiving a benefit or license under the bill, but the information produced is not considered a public record or open to public inspection.

EFFECTIVE DATE: Upon passage

§ 20 — CANNABIS CONTROL COMMISSION OPERATIONAL TRUST FUND

Establishes the Cannabis Control Commission Operational Trust Fund; requires licensing fees and sales tax revenue to be deposited in the fund; specifies how trust fund money must be used; requires at least 10% of the trust's funds to be spent to support workforce development programs

The bill establishes the Cannabis Control Commission Operational Trust Fund, held and administered by the commission, to receive 100% of the licensing and other regulatory fees and all cannabis sales tax surcharges. The bill requires that the fund be expended to support the commission's regulatory operations and supplement any funds allocated from the General Fund. It requires the commission to allocate at least 70% of the fund to support OJR and its functions.

Under the bill, the commission must spend at least 10% of the fund's revenue to support workforce development programs aimed at increasing the number of qualified cannabis sector workers from

disproportionately impacted backgrounds, which may include programs established in the bill. These allocations must not reduce the amount allocated to DECD for grants (in § 2) but must be used to supplement that allocation.

EFFECTIVE DATE: Upon passage

§ 21 — CANNABIS TAXES

Establishes a 10% sales tax surcharge on cannabis sales; allows municipalities to impose a municipal sales tax of up to 5%; establishes a restorative justice tax on cannabis businesses equal to 2% of their gross revenue over \$1 million and 10% on gross revenue over \$10 million

The bill establishes a 10% sales tax surcharge, in addition to the general sales tax, on all cannabis and cannabis product sales (presumably, DRS is responsible for collecting this tax). It also allows any municipality to impose up to a 5% municipal cannabis sales tax on sales of cannabis and cannabis products in the municipality, in addition to the general sales tax and the sales tax surcharge. Any sales to a medical marijuana patient by a licensed dispensary exclusively for palliative care for a debilitating medical condition are exempt from the surcharge, municipal sales tax, and the general state sales tax. (Under current DRS practice, marijuana sold for palliative use by licensed dispensaries is considered a natural or herbal drug or medicine and is thus currently exempt as a nonprescription drug and medicine.)

The bill also establishes an additional restorative justice tax on cannabis businesses equal to (1) 2% on their annual gross revenue between \$1 million and \$10 million and (2) 10% on their annual gross revenue over \$10 million. The tax applies in addition to any other tax on corporations or pass-through income. (Presumably, DRS must collect the restorative justice tax.)

The bill requires DRS to adopt regulations, issue guidance, issue or amend forms, and otherwise establish measures required to enact and enforce these tax provisions in a timeline that is consistent with the Cannabis Control Commission's needs and requirements.

EFFECTIVE DATE: Upon passage

§ 22 — MUNICIPAL LIMITATIONS

Prohibits municipalities from unconditionally prohibiting the operation of cannabis establishments; permits municipalities to regulate zoning, licensing, hours of operation, and other aspects as long as it is not a greater burden than that imposed on alcohol businesses

The bill prohibits municipalities from unconditionally barring the operation of cannabis establishments or businesses. It specifies that this does not prevent municipalities from regulating the zoning, licensing, operating hours, outward appearance, or other matters subject to municipal jurisdiction of business establishments generally. But it prohibits them from enacting any ordinance, regulation, license, permit, fee, or tax that imposes a burden greater than what the municipality imposes on a similarly sized business that manufactures, distributes, or sells alcohol.

EFFECTIVE DATE: Upon passage

§ 23 — INTERSTATE COMPACT FOR CANNABIS COMMERCE

Requires the governor to invite other jurisdictions with legal cannabis to enter an interstate or inter-jurisdictional compact that provides for well-regulated interstate and interjurisdictional commerce in cannabis; requires the governor to seek agreement from federal agencies that regulate commerce to not interfere with cannabis commerce conducted under a compact

The bill requires the governor, within six months after the commission is established, to invite other jurisdictions with legal cannabis commerce to enter an interstate or inter-jurisdictional compact that provides for a well-regulated interstate and interjurisdictional commerce in cannabis. He must do so in consultation with the commission and the OJR.

The governor must also take the necessary steps to secure agreement from the federal agencies that regulate commerce to withhold interference or interdiction of a well-regulated cannabis commerce established through the compacts.

The bill requires the terms of the compact to be consistent with the equity-related goals established by the commission and OJR.

EFFECTIVE DATE: Upon passage

§ 24 — CONFLICTS OF INTEREST

Prohibits certain government employees and officials, including commissioners on the Cannabis Control Commission, from having any financial or managerial interest in a licensed cannabis establishment; prohibits the same officials from receiving commissions, profits, gifts, promises of future employment, and other enticements

The bill prohibits certain government employees and officials from having any financial or managerial interest in a cannabis establishment licensed by the commission or under the medical marijuana laws, or in any business whose principal source of revenue or market involves providing goods or services specifically and directly to them. This includes any direct or indirect interest, whether individually or as a member of a partnership or shareholder of a corporation.

This ban applies to (1) commissioners on the commission during their term of office and for one year after leaving office, (2) executive or managerial employees of state or municipal government, (3) judges of any court, (4) prosecutors, and (5) employees of a police department or other law enforcement agency with jurisdiction over investigating and enforcing cannabis-related crimes or crimes regarding controlled substances. Under existing law, the state Code of Ethics for Public Officials (CGS § 1-79 et seq) already prohibits individuals subject to it (e.g., state employees) from having any financial interest in a business that is in substantial conflict with their official duties.

The bill prohibits the same officials, for the duration of their public employment or terms, from receiving any commission; profit; gratuities; offer of future employment; partnership, ownership, or other financially beneficial association; or gifts of any kind from any person or cannabis establishment or cannabis business licensed under the bill or the medical marijuana laws.

EFFECTIVE DATE: Upon passage

§ 25 — MUNICIPAL CONDITIONS

Prohibits towns and local officials from conditioning an official action, or accepting a donation, from a cannabis establishment or an individual that applied for a license; bans a town from entering into a local host agreement with a cannabis establishment or an individual applying for a license that violates the bill, either directly or indirectly

The bill prohibits municipalities and local officials from conditioning any official action, or accepting any donation, from a cannabis establishment or an individual or corporation that has applied for a license to open or operate a cannabis establishment in the municipality or a neighboring municipality.

The bill also bans a municipality from negotiating or entering into a local host agreement with a cannabis establishment or an individual or corporation that has applied for a license to open or operate a cannabis establishment in the town or a neighboring town that violates, directly or indirectly, any of the bill's provisions.

EFFECTIVE DATE: Upon passage

§ 26 — MUNICIPAL ELIGIBILITY FOR CANNABIS WORKFORCE AND ECONOMIC DEVELOPMENT FUNDING

Requires municipalities to adopt the task force's findings in order to be eligible for grants and loans under the bill

The bill conditions municipal eligibility for cannabis workforce and economic development grants and loans, or other funds under the jurisdiction of the commission, OJR, DOL, DCP, or DECD, on the municipality first passing a resolution or ordinance that adopts the task force's findings and commits the municipality to implementing its municipal recommendations.

EFFECTIVE DATE: Upon passage

§ 27 — UCONN RESEARCH PARTNERSHIP

Requires the commission to consult with UConn regarding a cannabis business sector research partnership

Within 60 days after the commission is formed, the bill requires the commission to consult with UConn about entering a research partnership to provide studies, research, training, and education to support (1) equity in the cannabis business sector, (2) equity applicants and licensees, and (3) equity in the cannabis workforce.

The commission must seek to enter into formal and informal partnerships with UConn for up to 180 days and as needed thereafter.

EFFECTIVE DATE: Upon passage

§ 28 — PROTECTION OF PARENTAL RIGHTS

Provides that a parent, grandparent, or guardian cannot face (1) a child welfare or family court action or (2) an adverse finding regarding any right of privilege in a proceeding, if it is solely or primarily based on the presence of cannabis traces in the person's system, conduct related to cannabis use, or participation in a cannabis-related business that the bill makes legal

The bill prohibits certain cannabis-related actions or conduct from forming the sole or primary basis for (1) child welfare agency or family or juvenile court actions or proceedings or (2) any adverse findings or evidence or restriction of rights in adoption or fostering proceedings. Under the bill, this prohibition applies to actions or proceedings for anyone charged with the well-being of a child (e.g., a parent, grandparent, guardian, or pregnant woman) based on (1) the presence of cannabinoid components or metabolites in the person's bodily fluids, (2) conduct related to the person's use of cannabis, or (3) the person's participation in cannabis-related business or other activities made legal under the bill or other state or local authority.

EFFECTIVE DATE: Upon passage

§ 29 — EDUCATIONAL INSTITUTIONS AND STUDENTS

Requires any educational institution receiving public funds or subject to state regulations to revise and implement student disciplinary policies to conform to the bill's criteria; prohibits disciplinary policies from barring student or school involvement in a criminal investigation; prohibits using out-of-school suspension for more than 10 days to discipline a student found to illegally possess cannabis on school premises; protects financial aid or student loan recipients from losing their eligibility, rights, privileges, or options because of cannabis-related activity the bill allows; provides certain protections for people legally living in student housing for cannabis-related activity the bill allows; allows a student subjected to school discipline in violation of the bill's protections to bring a lawsuit

Disciplinary Policies (§ 29(a) & (h))

The bill requires any educational institution receiving public funds or subject to state regulations to, within 180 days after the bill's effective date, revise and implement student disciplinary policies to conform to the criteria in this section. This means this provision applies to public and private Kindergarten to grade 12 schools, as well as public and private institutions of higher education. For example, many private k-12 schools take part in the federal school lunch program and are entitled

to assistance under the federal special education law. Essentially all private institutions of higher education receive federal assistance for student financial aid.

The bill specifies that:

1. no school disciplinary policy can prohibit the involvement of a student or school in a criminal investigation reasonably related to the unlawful possession or distribution of cannabis on school premises or in the course of school activities,
2. a student has a right to independent free counsel in any investigation or other proceeding where the student is subject to school discipline for possessing cannabis and may reasonably be expected to be a witness or to be subject to arrest, and
3. a student entitled to counsel must be promptly informed of his or her right to counsel and be granted the means to request counsel by the school.

Discipline Requirements and Options (§ 29 (d), (e), (f) & (g))

The bill prohibits using out-of-school suspension for more than 10 days to discipline a student found to illegally possess cannabis on school premises or while engaged in school activities. This provision appears to conflict with the state school expulsion law that requires expulsion for controlled substance offenses (see COMMENT).

The bill allows a student found in illegal possession of cannabis on school premises or during school activities (e.g., field trips, athletic competitions), to receive or be subject to counseling, drug-related education, or community service related to the school, or any combination of them, as long as it is not more severe than equivalent school penalties for underage drinking.

Also, the bill allows educational institutions to establish a (1) restorative justice program for addressing matters related to cannabis, other controlled substances, alcohol, or tobacco or (2) cannabis or other

substance abuse diversion program as part of a school drug policy. The restorative justice program must include an education curriculum tailored to the needs and circumstances of individual students. The diversion program must include counseling, support, and education regarding cannabis abuse and other substance abuse.

Financial Aid (§ 29(i))

The bill protects financial aid or student loan recipients from having their eligibility, rights, privileges, or options revoked, restricted, or adversely changed because of cannabis-related activity that the bill allows. The bill specifies that any contractual provision or policy contrary to this section is deemed void and against public policy. This provision could be vulnerable to a legal challenge that it violates the Constitution's contracts clause (art. 1, § 10), which generally prohibits states from passing laws that impair the obligation of existing contracts (see BACKGROUND).

Student Housing (§ 29(j))

The bill protects people legally living in student housing from discipline, termination of residency, eviction, or any other housing-related sanction for cannabis-related activity allowed under the bill that does not substantially involve housing-related misconduct. The bill specifies that any contractual provision or policy contrary to this section is deemed void and against public policy. This provision could also be vulnerable to a contracts clause challenge (see BACKGROUND).

Violations and Court Actions (§ 29(k))

Under the bill, a violation of any part of this section can give rise to a private right of action by a student subject to school discipline under this section or any legal parent or guardian of the student. The private right of action may be filed in the Superior Court for the district in which the school is located.

Regulations (§ 29(b) & (c))

The bill requires the State Department of Education and the Office of Higher Education, in consultation with the commission and OJR, to

adopt regulations for implementing these provisions, including collecting information about student disciplinary actions related to cannabis and undertaking remedial measures to correct discriminatory conduct and disparate impacts.

Additionally, it requires each covered educational institution to file a detailed report, consistent with regulations, with the relevant regulatory agency for each cannabis-related disciplinary action. The bill does not indicate which agencies are the relevant regulatory agencies.

EFFECTIVE DATE: Upon passage

§ 30 — HOUSING

Makes it illegal to refuse to rent, lease, license, or sell any housing based on a person's prior cannabis-related charge or conviction or involvement in the lawful cannabis business sector; exempts certain types of lodging, such as (1) sober living or other therapeutic housing and (2) temporary lodgings, including hotels, motels, camps, and private homes

Beginning 180 days after it becomes effective, the bill makes it illegal to:

1. refuse to rent, lease, license, sell, or otherwise make unavailable any housing unit based on a person's (a) prior charge or conviction for a cannabis-related offense or (b) past, current, or future involvement or participation in the lawful cannabis business sector;
2. ask about a prospective tenant, licensee, or purchaser's criminal history related to cannabis; or
3. discriminate in the terms, conditions, or privileges of the sale or rental of any dwelling based on the person's (a) prior charge or conviction for a cannabis-related offense or (b) past, current, or future involvement or participation in the lawful cannabis business sector.

The bill states that the above provisions also apply to homeless shelters, respite homes, nursing homes, and other long-term care facilities.

However, the bill exempts from these provisions (1) sober living houses or other housing intended to provide a therapeutic or rehabilitative environment related to drug or alcohol use and (2) temporary lodgings, including hotels, motels, camps, and private homes rented for brief stays.

EFFECTIVE DATE: Upon passage

§ 31 — FEDERALLY ASSISTED HOUSING

Makes it illegal to refuse to rent, lease, license or otherwise make unavailable any unit of housing based on a person's cannabis-related charge or arrest without conviction or substantial independent evidence; places requirements on federally-assisted housing including to notify the commission and the OJR when there are denials or evictions based on lawful cannabis activity; requires the attorney general to promptly take reasonable remedial and corrective measures, including seeking equitable and injunctive relief, if a review identifies a pattern of disparate racial impact or intentional discrimination based on lawful cannabis activity

Beginning 180 days after it becomes effective, the provisions of this section apply to any housing governed by (1) the federal Quality Housing and Work and Responsibility Act of 1998 (federal public housing and housing choice voucher rental assistance) or (2) any other provisions of federal law that grant persons or entities that own or manage federally assisted housing the discretion to deny persons housing, or to evict them, based on drug-related offenses.

The bill makes it illegal to refuse to rent, lease, license, or otherwise make unavailable any such housing based on a person's charge or arrest for a cannabis-related offense, without conviction or other substantial independent and relevant evidence based on actual conduct.

It also requires everyone that owns, manages, or regulates the covered housing to provide the commission and OJR with written notification of any denial of housing or any eviction based on the lawful cultivation, possession, or use of cannabis or other cannabis-related offense.

The notice must provide the affected person's name, address, race, ethnicity, and gender; the persons with knowledge and decision-making authority regarding the denial or eviction; the specific

circumstances of the denial or eviction; and the specific reasons, facts, and evidence for the denial or eviction. The notice must be issued to the Office of the Attorney General (AG) no more than seven days after the denial or issuance of a notice of eviction.

The bill requires the AG, at least once every two years, to conduct periodic disparate racial impact reviews of denials and evictions for cannabis-related reasons under Title VI of the federal Civil Rights Act of 1964. If a review identifies a pattern of disparate racial impact or intentional discrimination in federally assisted housing based on lawful cannabis activity, the AG must promptly take reasonable remedial and corrective measures, upon the commission's recommendation or its own initiative. This can include seeking equitable and injunctive relief and imposing civil penalties of up to \$100,000 for each instance of a policy or practice that creates a disparate racial impact in the provision or retention of housing.

EFFECTIVE DATE: Upon passage

§ 32 — TRIBAL SOVEREIGNTY

States the bill must not be interpreted to infringe on tribal sovereignty to establish laws, regulations, or ordinances or to govern and regulate matters of public policy within the tribal boundaries; requires that lawful tribe-certified cannabis operations be considered licensed entities for the purpose of commerce between cannabis businesses

The bill explicitly states that its provisions must not be interpreted to infringe on tribal sovereignty to establish laws, regulations, or ordinances, or to govern and regulate matters of public policy, within the tribal jurisdiction boundaries.

The bill requires that lawful cannabis operations certified by the tribes be considered licensed entities for the purpose of commerce between tribal cannabis businesses and licensed cannabis businesses in this state.

EFFECTIVE DATE: Upon passage

§§ 33 & 34 — CRIMINAL RECORD ERASURE

Allows anyone convicted on or after October 1, 2015, for possessing or possessing with intent to sell six ounces or less of cannabis to file a court petition to erase the related records; provides for automatic erasure of records for older convictions for possessing less than four ounces of cannabis or any quantity of non-narcotic or non-hallucinogenic drugs; makes various changes to existing procedures to erase records for any decriminalized offense

Under existing law, offenders convicted of acts that are subsequently decriminalized may petition to have their records erased. This includes convictions for the possession of less than ½ ounce of cannabis, which was decriminalized in 2011 (see *State v. Menditto*, 315 Conn. 861 (2015)). If petitioned, the court must order the physical destruction of all related police, court, and prosecution records.

The bill allows anyone convicted on or after October 1, 2015 (see BACKGROUND) for possession, or possession with intent to distribute, of six ounces or less of cannabis to file a court petition for the records' erasure. It also provides for the automatic erasure of convictions before then for possessing less than four ounces of cannabis or any amount of certain other drugs. This automatic erasure provision does not apply to (1) narcotics (e.g., heroin or cocaine) or (2) non-marijuana hallucinogens.

For the automatic erasure provisions, because of changes to the drug possession laws throughout the years, the specific quantities or drugs vary in some respects depending on the date of the conviction. For example, PA 11-71 (§§ 1 & 2), effective July 1, 2011, decriminalized the possession of up to ½ ounce of marijuana. Thus, possession of less than that amount of cannabis since that date is not a crime and thus is not covered by the bill's erasure provisions.

The bill also makes certain changes to existing laws on record erasure for any decriminalized offense, such as requiring that the person be given a copy of the records before their destruction.

EFFECTIVE DATE: July 1, 2022

Petitions for Erasure of Cannabis Possession Convictions on or after October 1, 2015

Under the bill, a person seeking this erasure must file the petition with the Superior Court (1) where the person was convicted, (2) that has

the conviction records, or (3) where venue would currently exist if the conviction took place in a court that no longer exists (e.g., the Court of Common Pleas).

The petitioner must include a copy of the arrest record or an affidavit supporting that the conviction was for six ounces or less of cannabis. If the petition includes the required documentation, the court must order the erasure of all related police, court, and prosecution records.

Under the bill, these provisions do not apply if the (1) criminal case is pending or (2) person was charged with multiple counts, until all counts are entitled to destruction or erasure. But if there are multiple counts, the court must direct the records of any offenses that would otherwise be entitled to destruction to be erased under existing procedures.

Under the bill, the court or any agency or department must not charge any fees for these petitions. The court, police, or prosecutor must give the petitioner a complete paper or electronic copy of all the records and certify their authenticity before their destruction. If the applicable court, department, or agency provides an electronic copy, they must not retain any duplicate electronic records.

Automatic Erasure of Prior Convictions

The bill additionally provides for automatic erasure of the police, court, and prosecutor records for certain drug possession convictions before October 1, 2015, as specified above. Under the bill, if these records are electronic, they must be erased; if they are not electronic, they are deemed erased by operation of law. The bill specifies that scanned copies of physical documents are not considered to be electronic records. The applicable department, court, or agency is barred from charging any fees for the erasure.

If the person was charged with multiple counts, these provisions do not apply unless all counts are entitled to erasure, except that electronic records, or portions of them, released to the public must be erased to the extent they reference charges entitled to erasure.

The court, police, or prosecutor must give the person a complete paper or electronic copy of all the records and certify their authenticity before their erasure.

The bill specifies that these provisions do not (1) limit any other procedure for erasure of criminal history record information or (2) prohibit someone from participating in those procedures, even if that person's records have been erased under the bill's procedure.

These provisions also do not require the Department of Correction to redact any of their internal records.

Petitions for Erasure of Convictions for Any Decriminalized Offense

Under the bill, several of the above provisions on petitions to erase cannabis possession convictions also apply to petitions to erase convictions for any decriminalized offenses. These include the provisions (1) specifying the court in which to file the petition, (2) banning fees, (3) prohibiting petitions while a case is pending, (4) establishing procedures for cases with multiple counts, (5) requiring that the person receive a copy of the records, and (6) banning the court or agency from retaining an electronic copy.

Background — 2015 Changes to Drug Possession Laws

Effective October 1, 2015, PA 15-2, June Special Session (§ 1) replaced the prior penalty for drug possession crimes, which punished most types of illegal drug possession as felonies. It created a new structure that generally punishes possession of half an ounce or more of cannabis or any amount of another illegal drug as a class A misdemeanor.

§ 35 — CANNABIS LABORATORIES

Authorizes cannabis laboratories and their employees to obtain and test cannabis from any source and makes related changes

Current medical marijuana law prohibits licensed laboratory employees from acquiring marijuana from, or delivering, transporting, or distributing it to, anyone other than (1) licensed producers or dispensaries or (2) organizations engaged in approved research

programs.

The bill replaces these provisions, and in doing so authorizes certain laboratories to obtain cannabis from a wider range of sources. It generally allows laboratories or laboratory employees licensed to test cannabis (including cannabis products) to (1) acquire and test cannabis from any source or person and (2) report the test results to the requesting person without asking about the source of the cannabis. This applies if the laboratory or employee finds this testing to be relevant to health or safety. Also, as under current law, the laboratory or employee must not obtain or transport marijuana outside of the state in violation of state or federal law.

The bill makes conforming changes to the scope of legal protections for laboratories and laboratory employees when obtaining and testing cannabis products under the authorization described above.

It also specifies that these provisions must not be interpreted to release any laboratory employee from any requirement or liability to any government agency arising from law or regulation or as a condition of licensing.

EFFECTIVE DATE: Upon passage

§§ 36 & 37 — CANNABIS USE IN MOTOR VEHICLES

Makes it a (1) class C misdemeanor to smoke, otherwise inhale, or ingest cannabis while driving a motor vehicle and (2) class D misdemeanor to smoke cannabis in a motor vehicle

The bill makes it a class C misdemeanor to smoke, otherwise inhale, or ingest cannabis products while driving a motor vehicle. It makes it a class D misdemeanor to smoke cannabis as a passenger in a motor vehicle. A class C misdemeanor is punishable by up to three months in prison, a fine of up to \$500, or both, and a class D misdemeanor is punishable by up to 30 days in prison, a fine of up to \$250, or both.

In either case, the bill applies to doing these things in a vehicle operated (1) on a public highway, (2) on a road of a specially chartered municipal association or roadway district, (3) in a parking area for 10 or

more cars, (4) on school property, or (5) on a private road with a speed limit set pursuant to state law.

Under the bill, someone cannot be convicted of both possession of a controlled substance and smoking, otherwise inhaling, or ingesting cannabis products while driving for the same incident. But someone may be charged and prosecuted for either or both offenses, driving under the influence, and any other applicable offense upon the same information. Relatedly, someone cannot be convicted of both possessing a controlled substance and smoking cannabis in a motor vehicle for the same incident, but he or she may be charge and prosecuted for both offenses upon the same information.

EFFECTIVE DATE: October 1, 2021

§ 38 — DRUG RECOGNITION EXPERTS AND ADVANCED ROADSIDE IMPAIRED DRIVING ENFORCEMENT

Requires POST and DOT to determine the number of drug recognition experts needed, requires certain officers to be trained in advanced roadside impaired driving enforcement, and requires related training plans

The bill requires the Police Officer Standards and Training Council (POST), in conjunction with the Department of Transportation's (DOT) Highway Safety Office, to determine how many accredited drug recognition experts (DREs) are needed to respond to impaired driving. It also requires (1) certain officers to be trained in advanced roadside impaired driving enforcement (ARIDE) and (2) training plans for both DREs and ARIDE.

Under the bill, a DRE is someone certified by the International Association of Chiefs of Police as having met all requirements of the International Drug Evaluation and Classification Program. ARIDE is a program developed by the National Highway Traffic Safety Administration (NHTSA) with the International Association of Chiefs of Police (IACP) and the Technical Advisory Panel, or a successor program, that focuses on impaired driving enforcement education for police officers.

Determining Minimum Number of DREs

By January 1, 2022, the bill requires each law enforcement unit to report to POST, in a manner it specifies, a recommendation for the minimum number of officers that it should have accredited as DREs to respond to impaired driving. In making the recommendations, units may consider that they may call on other units' DREs, as needed and available. A recommendation must be based on (1) DOT impaired driving data and (2) and POST-issued guidance.

The bill requires POST, in conjunction with DOT's Highway Safety Office, to determine the minimum number of police officers to be accredited as DREs for each law enforcement unit, considering recommendations from law enforcement units. POST and the office must submit their determination to the governor and Office of Policy and Management secretary by July 1, 2022.

By April 1, 2022, POST must develop and promulgate a model DRE policy to ensure that enough police officers in each unit become trained DREs to meet the minimum requirement POST determines. And by October 1, 2022, each law enforcement unit must adopt and maintain a written policy that at least meets the standards in POST's policy.

DRE and ARIDE Training

By January 1, 2022, POST and DOT's Highway Safety Office must jointly issue a plan to increase access to ARIDE training and DRE training for police officers and law enforcement units. Beginning on that same date, the bill requires each police officer who has not been recertified for the first time after his or her initial certification to be trained and certified in ARIDE before being recertified.

EFFECTIVE DATE: July 1, 2021

§ 39 — DRIVING UNDER THE INFLUENCE (DUI)

Modifies the state's DUI law, including allowing drug influence evaluations to be admitted as evidence, allowing courts to take judicial notice of THC's effects, and providing immunity to people who draw blood at a police officer's direction

The bill makes changes to the state's DUI law, including allowing evaluations by DREs to be admissible as evidence, allowing courts to

take judicial notice of THC's effects, and providing civil immunity to people who draw blood at the direction of a police officer.

The DUI law prohibits driving a motor vehicle (1) while under the influence of alcohol or drugs (or both) or (2) with an elevated blood alcohol content (BAC) (i.e., at least .08% for non-commercial vehicle drivers, .04% for commercial vehicle drivers, or .02% for drivers under age 21). It applies to drivers operating motor vehicles anywhere, including their own property, and to people operating snowmobiles and all-terrain vehicles. The law imposes various penalties for DUI, including prison terms, fines, and license suspensions (see BACKGROUND).

EFFECTIVE DATE: April 1, 2022

Drug Influence Evaluations as Evidence

Existing law allows chemical tests showing the amount of alcohol or drugs in a defendant's blood, breath, or urine at the time of the alleged DUI offense to be admissible as evidence, provided certain standards are met (e.g., the driver must consent to the test and have a reasonable chance to call a lawyer before taking it, see BACKGROUND).

Under the bill, if a DRE conducts a drug influence evaluation, his or her related testimony must be admissible and competent as evidence of DUI. A "drug influence evaluation" is a twelve-part evaluation developed by NHTSA and IACP that a DRE conducts to determine (1) a person's impairment level from using drugs and (2) the drug category causing the impairment (see BACKGROUND).

Under the bill, a DRE may testify about his or her opinion or otherwise on the significance of the symptoms of impairment or intoxication (1) for which evidence was admitted or (2) on the condition that the evidence be introduced.

Refusal to Submit to a Drug Influence Evaluation. By law, in DUI prosecutions, evidence that the defendant refused to submit to a lawfully requested blood, breath, or urine test is admissible, if certain

procedural requirements were followed (e.g., the person was informed of their constitutional rights and allowed to contact an attorney). The bill also allows evidence that a defendant refused to submit to the nontestimonial portion of a drug influence evaluation to be admissible as evidence under the same conditions. The “nontestimonial portion of a drug influence evaluation” is a drug influence evaluation that does not include a verbal interview with the subject.

Judicial Notice of Effects of THC

In a DUI prosecution alleging that a defendant’s driving was impaired wholly or partially by consuming cannabis, cannabis products, or “THC,” the bill allows a court to take judicial notice that ingesting THC (1) can impair a person’s driving ability, motor function, reaction time, tracking ability, cognitive attention, decision-making, judgement, perception, peripheral vision, impulse control, and memory and (2) does not enhance a person’s ability to drive a motor vehicle safely.

“THC” is tetrahydrocannabinol and any material, compound, mixture or preparation containing their salts, isomers, and salts of isomers, whenever their existence is possible within the specific chemical designation, regardless of the source. It is not (1) dronabinol in sesame oil that is in a soft gelatin capsule in a federal Food and Drug Administration (FDA)- approved product or (2) a tetrahydrocannabinol product approved by FDA or a successor agency to have a medical use and reclassified in a schedule of controlled substances or unscheduled by the FDA or successor agency.

Immunity for People Drawing Blood

The bill generally gives immunity from civil liability to (1) a qualified person who draws someone’s blood at the request of a police officer acting according to DUI law or laws on blood samples after accidents resulting in death or serious injury and (2) a hospital, lab, or clinic that employs the person or uses his or her services. This immunity does not apply if the person’s actions while drawing blood constitute gross negligence.

§ 40 — ADMINISTRATIVE PER SE LICENSE SUSPENSION PROCESS

Makes changes to the administrative per se process, including (1) expanding it to include procedures for imposing penalties on drivers without an elevated BAC but found to be driving under the influence based on behavioral impairment evidence and (2) applying the existing per se process to operators who refuse the nontestimonial portion of a drug influence evaluation

By law, someone arrested for DUI is subject to administrative licensing sanctions through DMV, in addition to criminal prosecution. This process is referred to as “administrative per se,” and the sanctions may occur when (1) a driver refuses to submit to a blood, breath, or urine test or (2) a test indicates an elevated BAC. However, under current law, DMV is unable to suspend drug-impaired drivers that do not have an elevated BAC.

Principally, the bill expands the administrative per se process to include procedures for imposing licensing sanctions and other penalties on drivers that do not have an elevated BAC but are found to be driving under the influence based on evidence of behavioral impairment, among other things. Existing law allows evidence of behavioral impairment to support a DUI conviction.

The bill also applies the existing per se process to drivers who refuse to consent to the bill’s nontestimonial portion of a drug influence evaluation and makes various other changes to the process.

EFFECTIVE DATE: April 1, 2022

Implied Consent for Drug Influence Evaluations (§ 40(a))

Under existing law, motor vehicle drivers consent to chemical tests of their blood, breath, or urine when they drive, and if a driver is a minor, the law deems his or her parents to have consented. Under the bill, drivers (or their parents) also consent to a nontestimonial portion of a DRE-conducted drug influence evaluation.

Requests for Drug Influence Evaluations (§ 40(b))

Existing law allows a police officer who arrests a person for DUI to request that he or she submit to a blood, breath, or urine test under

certain conditions. The bill allows the officer to also ask the person to submit to (1) a drug influence evaluation conducted by a DRE or (2) both a drug influence evaluation and a blood, breath, or urine test.

The bill generally applies the conditions in existing law for requesting blood, breath, or urine tests to requests for drug influence evaluations. Thus, under the bill, a police officer may ask someone to submit to a blood, breath, or urine test, or a drug influence evaluation only after he or she is:

1. informed of his or her constitutional rights;
2. given reasonable opportunity to contact an attorney before the test or evaluation occurs;
3. informed that evidence of refusal to submit to a test or evaluation is admissible as evidence in the prosecution of DUI cases, except that refusing to submit to the testimonial portions of drug influence evaluations is not refusal evidence;
4. informed that his or her license or operating privilege may be suspended under administrative per se procedures if (a) he or she refuses a test or the nontestimonial portion of a drug influence evaluation or submits to a test and the results indicate an elevated BAC or (b) the officer believes there is substantial evidence to conclude that the person was driving under the influence of intoxicating liquor, a drug, or both.

Existing law prohibits giving a test if the subject refuses it. It requires police officers, when someone refuses or is unable to submit to a blood test, to designate a different type of test to be taken. If a test is refused, the officer must officially note that he or she informed the person of the conditions under which the license or driving privilege could be suspended by the refusal.

The bill extends this refusal procedure to requests for drug influence evaluations. It also specifies that if someone submits to a breath test and the results indicate that the person does not have an elevated BAC, the

police officer may ask him or her to take a different type of test. But if he or she refuses to submit to a blood test, the officer must designate that a urine test be taken.

Arrest Reports and 24-Hour Suspension (§ 40(c) & (d))

The bill (1) adds refusing the nontestimonial portion of a drug influence evaluation to the existing arrest reporting and 24-hour suspension procedures and (2) establishes a similar procedure for people who are arrested for DUI but not asked to take a test or whose results do not indicate an elevated BAC.

The bill also specifies that an officer's failure to transmit these reports within three business days, as the law requires, does not affect a license or operating privilege suspension decision or the report's admissibility in a hearing (see below).

Refusing Test or Elevated BAC. Under existing law, if a person refuses to submit to a blood, breath, or urine test or submits to a test within two hours after driving and the results indicate the person has an elevated BAC, the police officer, acting on behalf of DMV, must immediately, and for a 24-hour period, (1) revoke and take possession of the person's driver's license and (2) suspend his or her operating privilege, if he or she is a nonresident. Under the bill, an officer must do the same if a person refuses a drug influence evaluation.

No Test Requested or No Elevated BAC. Under the bill, if an officer arrests someone for DUI but does not ask the person to submit to a blood, breath, or urine test, or gets results indicating that the person does not have an elevated BAC, the officer must (1) advise the person that his or her license or operating privilege may be suspended through the administrative per se process if he or she believes there is substantial evidence to conclude that the person was driving under the influence of alcohol, drugs, or both and (2) submit a report on the arrest and evidence.

The bill requires the report to be submitted under existing law's procedures, and if the report includes test results that indicate no

elevated BAC, it must conform to the requirements for reports on test results that do indicate elevated BAC. In these reports, the officer must document (1) the basis for the belief that there was probable cause to arrest the person for DUI and (2) if he or she believes that there is substantial evidence to conclude the person was driving under the influence of alcohol, drugs, or both.

Under the bill, if the officer believes substantial evidence of DUI exists, he or she must immediately, and for a 24-hour period, (1) revoke and take possession of the person's driver's license or (2) if the person is unlicensed or a nonresident, suspend their operating privilege.

Laboratory Analysis of Blood or Urine. The bill eliminates provisions in current law that:

1. prohibit an officer, if a blood or urine test specimen requires laboratory analysis, from (a) taking possession of a person's license or suspending his or her operating privilege or (b) sending an arrest report to the commissioner and
2. require, if the lab results show an elevated BAC, the officer to immediately notify and send the report to DMV.

DMV License Suspension (§ 40(e))

Under current law, after receiving a report, the DMV commissioner may suspend a person's license, which must start on a date no later than 30 days after the person received notice of their arrest by the police officer. The bill instead requires that the date be within 30 days before the later of the date the person received the (1) notice of the person's arrest or (2) results of a blood or urine test or a drug influence evaluation.

The suspension lasts for 45 days and is followed by a mandatory period of ignition interlock device use (see below).

Hearing. By law, people subject to this license suspension are entitled to a hearing before the suspension takes effect. They may do so by

contacting DMV within seven days after the suspension notice's mailing date.

Under the bill, the hearing of someone who was not asked to take a blood, urine, or breath test or whose test results did not indicate an elevated BAC, is limited to a determination of the following issues, which are substantially similar to those under existing law's per se process:

1. if police officer had probable cause to arrest the person for DUI;
2. was the person arrested;
3. is there substantial evidence to conclude that the person was driving a vehicle under the influence of alcohol, drugs, or both; and
4. was the person driving the vehicle.

In these hearings, the following evidence of DUI is admissible:

1. police officer observations of intoxication, as documented in the report;
2. results of a chemical test administered in accordance with the DUI law or a toxicology report certified by the Department of Emergency Services and Public Protection's (DESPP) Division of Scientific Services;
3. hospital or medical records obtained in accordance with established procedures or by the driver's consent;
4. results of tests conducted by, or a report of, an officer trained in ARIDE; or
5. DRE reports.

Ignition Interlock Devices (§ 40(i))

The bill extends current ignition interlock device (IID) penalties to

people who drive a vehicle under the influence of alcohol, drugs, or both, but who did not have an elevated BAC or were not asked to take a blood, breath, or urine test, as shown in Table 1 (see BACKGROUND).

Table 1: IID Penalties for Per Se Offense Under the Bill

<i>Per Se Offense</i>	<i>IID Requirement (After 45-Day License Suspension)</i>		
	<i>First Suspension</i>	<i>Second Suspension</i>	<i>Third or Subsequent Suspension</i>
Age 21 or older: (1) BAC of 0.08% or more or 0.04% or more if operating a commercial vehicle or (2) found to have been driving under the influence of alcohol, drugs, or both	6 months	1 year	2 years
Under Age 21: (1) BAC of 0.02% or more or (2) found to have been driving under the influence of alcohol, drugs, or both	1 year	2 years	3 years
Refusal of test or nontestimonial portion of drug influence evaluation, regardless of age	1 year	2 years	3 years

Existing law requires IIDs for criminal DUI convictions, even for those involving drugs and not alcohol (CGS § 14-227a(i)).

Process if Driver Suffered Injury or Required Medical Treatment (§ 40(j))

Under existing law, if a police officer obtains a blood or urine sample from a driver who was arrested for DUI and physically injured in an accident or needed hospital treatment or observation, the officer must notify the DMV commissioner if the sample's results indicate that the operator had an elevated BAC. The bill extends this requirement to blood sample results that show the presence of alcohol, a drug, or both.

The commissioner may then use this information when deciding to suspend the driver's license, in accordance with the procedures described above.

§ 41 — PROCEDURES FOR ACCIDENTS RESULTING IN DEATH OR SERIOUS INJURY

Modifies intoxication testing procedures for accidents resulting in death or serious injury, including by requiring drug influence evaluations of surviving operators

Surviving Drivers

Existing law requires a blood or breath sample to be obtained from a surviving driver whose vehicle was involved in an accident resulting in the death of or serious physical injury to another person if (1) a police officer has probable cause to believe that the driver operated the vehicle while under the influence of alcohol, drugs, or both, or (2) the driver has been charged in connection with the accident and the officer has a reasonable suspicion that he or she was under the influence of alcohol, drugs, or both. The sample must be tested according to DESPP-approved methods and equipment.

The bill additionally (1) requires that a DRE conduct a drug influence evaluation of a surviving operator if the operator is not seriously injured or otherwise unable to take the evaluation because of the accident and (2) allows a urine sample to be taken instead of a blood or breath sample.

The bill requires police officers who obtain a blood, breath, or urine sample from the surviving driver or a drug influence evaluation conducted on the surviving driver to submit a written report to the DMV commissioner with the respective results. It allows the commissioner, after notice and opportunity for a hearing held according to the administrative per se procedures, to impose the associated license suspension and IID penalties. The hearing must be limited to determining the following:

1. if the person was operating the vehicle;
2. if the person's sample or the drug influence evaluation was properly obtained or conducted, as applicable, according to the law's requirements; and
3. if the examined sample had an elevated BAC or if there was substantial evidence that the person drove the vehicle under the

influence of alcohol, drugs, or both.

ARIDE-Trained Officers at Fatal Accidents

The bill requires law enforcement units, when responding to a fatal motor vehicle accident, to assign an ARIDE-trained officer to respond, if one is available.

Examination of Samples

By law, the chief medical examiner and other specified officials must include in a fatal motor vehicle accident investigation a blood sample from any driver or pedestrian who dies in the accident.

Under current law, DESPP's Division of Scientific Services or the chief medical examiner examines the samples. The bill also allows a forensic toxicology laboratory, under an agreement with the Office of the Chief Medical Examiner, to examine them.

EFFECTIVE DATE: April 1, 2022

§ 42 — COMMERCIAL VEHICLE DRIVING DISQUALIFICATION

Extends existing commercial motor vehicle driving disqualification penalties to drivers who refused a drug influence evaluation or drove under the influence of alcohol, drugs, or both

Under existing law, if a commercial driver's license holder either refuses a test to determine BAC while driving any vehicle or fails the test, he or she is disqualified from driving a commercial motor vehicle for (1) a year for a first offense and (2) life upon a second or subsequent offense.

The bill imposes these disqualification penalties to someone who (1) refuses to submit to a drug influence evaluation by a DRE or (2) was found to have driven a vehicle under the influence of alcohol, drugs, or both, through the administrative per se procedure.

EFFECTIVE DATE: April 1, 2022

§ 43 — EDUCATIONAL MATERIALS ON DRE PROGRAM AND DRUG INFLUENCE EVALUATIONS

Requires the Traffic Safety Resource Prosecutor to develop educational materials and programs about the DRE program and drug influence evaluations

The bill requires the Traffic Safety Resource Prosecutor, in consultation with other entities and seeking guidance from NHTSA, to develop educational materials and programs about the DRE program and drug influence evaluations and make them available to the judicial branch and the Connecticut Judges Association. The prosecutor must develop the materials in consultation with DOT, DMV, the Connecticut Police Chiefs Association, and the statewide DRE coordinator. (But the bill does not establish such a coordinator and one does not exist under current law.)

EFFECTIVE DATE: July 1, 2021

§ 44 — ADMINISTRATIVE PENALTIES FOR BOATING UNDER THE INFLUENCE

Makes changes to DEEP's administrative sanctions process for boating under the influence that are substantially similar to the bill's changes to DMV's administrative per se process

The law establishes a process for the Department of Energy and Environmental Protection (DEEP) to impose administrative sanctions on boaters who operate boats with an elevated BAC or who refuse to submit to a blood, breath, or urine test. These procedures largely parallel the administrative per se process for driving with an elevated BAC or refusing to submit to a test (see above). Like DMV, under current law DEEP cannot suspend a drug-impaired boater's safe boating certificate or certificate of personal watercraft operation ("certificate") if they do not have an elevated BAC.

The bill's changes to this process are substantially similar to the changes it makes to DMV's administrative per se process. It (1) expands the process to include procedures for imposing certification sanctions on boaters who do not have an elevated BAC but are found to be boating under the influence based on evidence of behavioral impairment, among other things, and (2) applies the existing process to boaters who refuse the nontestimonial portion of a drug influence evaluation. Its other changes include the following, among other things:

1. deeming that boaters consent to a nontestimonial portion of a drug influence evaluation conducted by a DRE;
2. allowing peace officers to request drug influence evaluations in addition to or instead of a blood, breath, or urine test under the same conditions as police officers under the administrative per se statute for DUI;
3. requiring a peace officer to revoke certificates, following procedures substantially similar to the DUI per se process, if the (a) boater refuses a drug influence evaluation or (b) officer believes that he or she has substantial evidence that the boater operated a boat under the influence of alcohol, drugs, or both;
4. establishing review standards for hearings for boaters who did not refuse a test or whose results did not indicate an elevated BAC that align with those under the DUI administrative per se process; and
5. imposing existing suspension periods (which are different than those under the DUI administrative per se process) on people found to be operating a boat under the influence of alcohol, drugs, or both (see Table 2).

Table 2: Administrative Certificate Suspensions

<i>Violation</i>	<i>First Offense</i>	<i>Second Offense</i>	<i>Third or Subsequent Offense</i>
(1) BAC of 0.08% or more (or 0.02% if under age 21) or (2) found to have been boating under the influence of alcohol, drugs, or both	90 days	9 months	2 years
Refusal of test	6 months	1 year	3 years
BAC of 0.16% or more	120 days	10 months	2 years, 6 months

Unlike its DMV administrative per se changes, the bill does not similarly extend the penalties for refusing a test to refusing the nontestimonial portion of a drug influence evaluation.

EFFECTIVE DATE: April 1, 2021

§ 45 — BOATING UNDER THE INFLUENCE

Makes substantially similar changes to the boating under the influence law as those the bill makes to the DUI law, such as allowing DREs to testify in boating under the influence cases

State law prohibits boating (1) while under the influence of alcohol or drugs or (2) with an elevated BAC (i.e., at least 0.08%, or 0.02% in the case of boaters under age 21) (CGS § 15-133(d)). It imposes penalties for boating under the influence convictions, including prison time, fines, and certificate suspension (see BACKGROUND).

The bill makes substantially similar changes to the boating under the influence law that it makes to the DUI law. These changes include:

1. making testimony from a DRE who conducted a drug influence evaluation admissible and competent as evidence of boating under the influence;
2. allowing a DRE to testify about his or her opinion or otherwise on the significance of impairment or intoxication symptoms for which evidence was admitted or on the condition that it be introduced;
3. allowing evidence that a defendant refused to submit to the nontestimonial portion of a drug influence evaluation to be admissible as evidence under conditions substantially similar to those that apply to DUI (see above); and
4. allowing the court to take judicial notice that ingesting THC (1) can impair a person's boating ability, motor function, reaction time, tracking ability, cognitive attention, decision-making, judgement, perception, peripheral vision, impulse control, and memory and (2) does not enhance a person's ability to boat safely.

Unlike its DUI changes, the bill does not explicitly extend immunity from civil liability to people who draw blood samples at an officer's request.

EFFECTIVE DATE: April 1, 2022

§§ 46, 47 & 53 — CANNABIS POSSESSION, USE, AND GIFTS

Allows people age 21 or older to possess or use cannabis or gift it to other such people, up to a six-ounce possession limit; establishes penalties for people under age 21 who possess up to 2.5 ounces, similar to existing penalties for possessing up to 0.5 ounce

The bill allows individuals age 21 or older (consumers) to possess, use, or otherwise consume cannabis and cannabis products, up to the possession limit described below. The bill also allows consumers to gift cannabis or cannabis products to other consumers for free outside of commercial transactions, subject to the same limit.

The bill sets the following possession limit: the amount of cannabis must not exceed (1) six ounces of cannabis plant material, (2) an equivalent amount of cannabis product, or (3) an equivalent combined amount of cannabis and cannabis product.

Current law prohibits the possession of cannabis, except as authorized by law for medical purposes, and imposes civil fines and other penalties for possession of under ½ ounce and criminal penalties for the possession of larger amounts. The following table describes the current penalties.

Table 3: Penalties for Cannabis Possession Under Current Law

<p>Possession of less than ½ ounce (CGS § 21a-279a):</p> <ul style="list-style-type: none"> • First offense: \$150 fine • Subsequent offenses: \$200 to \$500 fine (third-time violators must attend drug education, at their own expense) • Violators follow the procedures the law sets for infractions (e.g., they can pay the fine by mail) (CGS § 51-164n) • 60-day suspension of the driver's license or nonresident operating privileges of anyone under age 21 who is convicted of a violation (if the person does not have a license, he or she is ineligible for one for 150 days) (CGS § 14-111e) • Burden of proof is preponderance of the evidence (rather than beyond a reasonable doubt) (CGS § 51-164n(i))
<p>Possession of ½ ounce or more (CGS § 21a-279(a)):</p>

- Class A misdemeanor, punishable by up to one-year prison term, up to a \$2,000 fine, or both
- Second offense: court must evaluate the defendant and may suspend prosecution and order substance abuse treatment if the court determines that the person is drug dependent
- Subsequent offenses: court may find the person to be a persistent offender for controlled substance possession and impose the prison term that applies to class E felonies (i.e., up to three years)

Possession of ½ oz. or more within 1,500 feet of the property comprising (1) an elementary or secondary school by someone who is not attending the school or (2) a licensed child care center as identified by a sign posted in a conspicuous place (CGS § 21a-279(b)):

- Class A misdemeanor
- Court must sentence the person to a term of imprisonment and probation. The conditions of probation must include community service

While the bill sets a possession limit as described above, it does not establish penalties for people age 21 or older who possess more than the allowed amount. It is also unclear how the bill's six-ounce possession limit interacts with another provision in the bill that provides that anyone age 21 or older cannot be arrested or otherwise penalized for any cannabis from plants the person cultivated at his or her primary residence (see § 14 above).

Penalties for Possession by Underage Individuals (§ 47)

For people under age 21, the bill establishes penalties for possessing less than (1) 2.5 ounces of cannabis plant material, (2) an equivalent amount of cannabis product, or (3) an equivalent combined amount. (The bill does not establish penalties for people under age 21 possessing larger amounts.)

The bill's penalties are similar in some respects to current penalties for people of any age who possess up to ½ ounce.

Under the bill, someone under age 21 who possesses up to the 2.5-ounce limit is subject to a \$150 fine for a first offense and a \$200 to \$500 fine for a subsequent offense. For any second or subsequent offense, the

court (1) must evaluate the person and (2) if it determines that the person is drug dependent, may suspend prosecution and order the person to undergo a treatment program.

The bill requires referral to a drug education program for anyone under age 21 who for a third time enters a plea of nolo contendere to, or is found guilty after trial of, possessing less than 2.5 ounces of cannabis. The person must pay for the program.

The bill exempts from these penalties people who possess more than the bill's possession limit as part of a bona fide business activity or occupation, and who are (1) acting under a cannabis-related license issued by DCP, the Cannabis Control Commission, or any state or municipal agency or (2) providing bona fide services to a business operating under a cannabis-related license.

EFFECTIVE DATE: January 1, 2022

§ 48 — SEARCHES AND MOTOR VEHICLE STOPS

Limits when cannabis odor or possession can justify a search or motor vehicle stop

The bill generally provides that the following do not constitute (in whole or part) probable cause or reasonable suspicion, and must not be used as a basis to support any stop or search of a person or motor vehicle:

1. the odor of cannabis or burnt cannabis; or
2. the possession or suspected possession of six ounces or less of cannabis or cannabis product.

Additionally, the bill prohibits law enforcement officials from conducting a test for impairment based on this odor unless the official has probable cause to believe the vehicle is being operated in an unsafe manner.

Under the bill, any evidence discovered through a stop or search that violates these provisions is not admissible in evidence in any trial, hearing, or other court proceeding.

EFFECTIVE DATE: January 1, 2022

§ 49 — DOMESTICATED ANIMALS

Establishes penalties for feeding cannabis to domesticated animals in some circumstances

The bill generally makes it a class C misdemeanor to knowingly feed or recklessly provide cannabis or cannabis products to a domesticated animal. The ban does not apply to (1) veterinarians or (2) people acting under a veterinarian's supervision, instruction, or recommendation.

By law, a class C misdemeanor is punishable by up to three months in prison, a fine of up to \$500, or both.

EFFECTIVE DATE: October 1, 2021

§ 50 — CONTRACT ENFORCEABILITY AND LAW ENFORCEMENT RESOURCES

Prohibits the state or political subdivisions from taking adverse actions substantially based on cannabis-related federal law violations; makes it the state's public policy that contracts by cannabis establishments are enforceable; and prohibits law enforcement from spending time or resources on cannabis-related federal violations

The bill prohibits state agencies or political subdivisions from relying on a cannabis-related violation of federal law as a significant or substantial basis for taking an adverse action against a person.

The bill provides that it is the state's public policy that contracts related to operating licensed cannabis establishments are enforceable. Under the bill, this may not be limited by any contractual waiver, provision on choice of law or conflicts of law, or other contractual provision or other agreement.

The bill further provides that it is the state's public policy that certain contracts are not unenforceable on the basis that federal law prohibits various cannabis-related actions (e.g., cultivation, manufacture, sale, possession, or use). This applies to contracts by (1) licensed cannabis establishments or their authorized agents or (2) those who allow property to be used by a cannabis establishment, its employees, or its authorized agents. This also may not be limited by any contractual waiver or other contractual provision or agreement.

The bill prohibits law enforcement officers from spending state or local resources, including the officers' time, to make an arrest or seize cannabis, or conduct any investigation, for activity that the officer believes complies with the bill but violates federal law. This applies to law enforcement agencies that receive state or local government funding.

The bill additionally prohibits officers from spending state or local resources, including their time, to provide any information or logistical support related to such activity to any federal law enforcement authority, prosecuting entity, or immigration authority.

EFFECTIVE DATE: July 1, 2021

§ 51 — RETURN OF SEIZED PROPERTY

Requires the return of drug paraphernalia or other cannabis-related products seized from a consumer for a suspected violation of the law on cannabis possession

The bill generally requires the return of drug paraphernalia or other cannabis-related products that were seized from a consumer before January 1, 2022, in connection with suspected possession of cannabis in violation of law. This applies to these products held by DCP, law enforcement agencies, or courts. The bill requires them to return these products by June 30, 2022.

This does not apply if the cannabis or cannabis products exceeds six ounces.

EFFECTIVE DATE: January 1, 2022

§ 52 — CANNABIS PARAPHERNALIA

Allows consumers to manufacture, possess, or purchase cannabis-related paraphernalia or gift, distribute, or sell it to other consumers

The bill allows consumers (people age 21 or older) to manufacture, possess, or purchase cannabis-related paraphernalia or gift, distribute, or sell this paraphernalia to other consumers.

These provisions apply despite existing drug laws. Among other things, existing law generally prohibits the use, possession with intent

to use, or manufacture of drug paraphernalia (CGS § 21a-267). In general, these actions are infractions if they relate to less than ½ ounce of cannabis or misdemeanors if they relate to larger amounts.

EFFECTIVE DATE: January 1, 2022

§ 54 — PAROLE, SPECIAL PAROLE, OR PROBATION

Limits when (1) cannabis possession or use can be grounds to revoke parole, special parole, or probation and (2) conditions of parole, special parole, or probation can prohibit employment in a cannabis-related business

The bill generally prohibits cannabis (or cannabis product) possession or use from being grounds for revoking someone's parole, special parole, or probation, unless that use or possession violates the bill's requirements (e.g., possession over the six-ounce limit). But it allows for cannabis possession or use to be grounds for revocation if a person's conditions of parole, special parole, or probation (1) include a finding that the person is drug dependent and (2) require the person to refrain from this use or possession.

The bill limits when conditions of parole, special parole, or probation may prohibit someone from working in a cannabis establishment or cannabis-related business. It allows these conditions only if there is a finding, based on clear and convincing evidence, that this employment poses to the person a substantial risk of reoffending or substantial obstacle to recovery from drug dependency.

EFFECTIVE DATE: January 1, 2022

§ 55 — PENALTIES FOR SALES TO UNDERAGE PERSONS

Establishes penalties for cannabis establishments and employees who sell to people under age 21

Under the bill, cannabis establishment licensees, or their servants or agents, who sell or deliver cannabis or cannabis products to people under age 21 are subject to a fine of up to \$1,000, up to one year in prison, or both.

EFFECTIVE DATE: July 1, 2022

§ 56 — PHOTO IDENTIFICATION

Allows cannabis establishments and employees to require customers to have their photos taken or show IDs to prove their age and provides an affirmative defense for relying on these documents; otherwise limits the use of these photos or information; allows DCP to require cannabis establishments to use an online age verification system

Under the bill, licensed cannabis establishments, or their agents or employees (see below), may require identification as a condition of sale for people whose age is in question. Specifically, they may (1) require these people to have their photographs taken or (2) make a copy of the driver's license or non-driver identification (ID) card.

They are prohibited from using these photographs or photocopies for any other purpose. This includes selling or otherwise distributing these photographs, copies, or information from these copies to third parties for any purpose, including marketing, advertising, or promotional activities. But they may release these items or information pursuant to a court order.

Affirmative Defense

The bill provides an affirmative defense for cannabis establishment licensees, or their agents or employees, if they are prosecuted for selling to underage individuals.

This defense applies if (1) they sold or delivered cannabis or cannabis products to a minor (presumably, under age 21) in good faith and in reasonable reliance on the identification presented and (2) photographed the person and made a copy of the identification. To support their defense, they may introduce evidence of the photograph and ID copy.

Online System

The bill also allows the DCP commissioner to require cannabis establishments to use an online age verification system.

Definitions

For these purposes, an "employee" is generally:

1. someone employed by a cannabis establishment or who

otherwise has access to it, or the vehicles used to transport cannabis or cannabis products, including an independent contractor with routine access to the premises or to the establishment's cannabis or cannabis products; or

2. a board member of a company with an ownership interest in a cannabis establishment.

The bill provides that a "key employee" or "backer" is not considered an employee for these purposes. Generally, a "key employee" is a cannabis establishment's president or chief officer, financial manager, compliance manager, or someone with an equivalent title.

A "backer" is someone with a direct or indirect financial interest in a cannabis establishment. It does not include someone who (1) has an investment interest of up to 5% of the total ownership or interest rights (alone or with coworkers, employees, or a spouse, parent, or child) and (2) does not participate in the establishment's control, management, or operation.

EFFECTIVE DATE: January 1, 2022

§ 57 — PENALTIES FOR INDUCING UNDERAGE PERSONS TO BUY CANNABIS

Establishes penalties for inducing someone under age 21 to buy cannabis

Under the bill, anyone who induces someone under age 21 to buy cannabis or cannabis products from a licensed seller is subject to a fine of up to \$1,000, up to one year in prison, or both.

These penalties do not apply to an inducement that furthers a law enforcement agency's official investigation or enforcement activity.

EFFECTIVE DATE: January 1, 2022

§ 58 — IDENTIFICATION USE AND PENALTIES FOR ATTEMPTED PURCHASES BY UNDERAGE PERSONS

Allows driver's licenses and non-driver ID cards to be used to prove age for buying cannabis; establishes penalties for underage persons who misrepresent their age or use someone else's license in an attempt to buy cannabis

The bill authorizes (1) anyone who is at least age 21 and has a driver's license or non-driver ID card with a full-face photograph to use it to prove their age when buying cannabis or cannabis products and (2) a cannabis retailer to accept it as legal proof of age.

The bill subjects anyone who misrepresents his or her age, or uses another person's license, to obtain cannabis or cannabis products to a fine of up to \$250 for a first offense. A subsequent offense is a class D misdemeanor, punishable by up to 30 days in prison, a fine of up to \$250, or both.

These penalties do not apply to someone who works for or on behalf of a state agency to buy these products to test retailers' age verification and product controls.

EFFECTIVE DATE: January 1, 2022

§ 59 — PROHIBITION ON ALLOWING UNDERAGE PERSONS TO LOITER AT CANNABIS RETAILERS

Establishes penalties for cannabis retailers or their agents or employees who allow individuals under age 21 to loiter at the premises

The bill generally prohibits cannabis retailers or their agents or employees (as defined in § 56 above) from allowing individuals under age 21 to loiter with the intent to buy or consume cannabis or cannabis products unlawfully on the premises where these items are kept for sale. This provision does not apply to cannabis establishment employees who are age 18 to 20.

Under the bill, a first violation is an infraction, punishable by up to a \$1,000 fine. A subsequent violation is a class B misdemeanor, punishable by up to six months in prison, a fine of up to \$1,000, or both.

EFFECTIVE DATE: January 1, 2022

COMMENT

Limit on School Suspensions Conflicts With Existing Law (§ 29)

The bill prohibits using out-of-school suspension for more than 10 days to discipline a student found to illegally possess cannabis on school

premises or while engaged in school activities. This provision appears to conflict with the state school expulsion law that requires expulsion if a student offers for sale or distribution a controlled substance as defined in state law (CGS § 10-233d(a)). Cannabis is defined in law as a controlled substance (CGS § 21a-240). Generally, expulsions are for 12 months.

BACKGROUND

Contracts Clause

The contracts clause of the U.S. Constitution bars states from passing any law that impairs the obligation of contracts. However, the U.S. Supreme Court has held that claims of a contract clause violation must undergo a three-step analysis to be found unconstitutional. Courts must determine whether (1) there is a contractual relationship, (2) a change in a law has impaired that relationship, and (3) the impairment is substantial (*General Motors Corp. v. Romein*, 503 U.S. 181 (1992)).

If the court determines that the contract has been substantially impaired, it must then determine whether the law at issue has a legitimate and important public purpose and whether the adjustment of the rights of the parties to the contractual relationship was reasonable and appropriate in light of that purpose. A challenged law will not be held to impair the contract clause if the impairment, although substantial, is reasonable and necessary to fulfill an important public purpose (*Energy Reserves Group v. Kansas Power & Light*, 459 U.S. 400, 411-412 (1983)).

Penalties for DUI

A person convicted of DUI is subject to the criminal penalties listed in Table 4. The law considers a subsequent conviction one that occurs within 10 years after a prior conviction for the same offense (CGS § 14-227a(g)). Higher penalties apply for DUI (1) with a child passenger (CGS § 14-227m) or (2) while operating a school bus, student transportation vehicle, or other vehicle specifically designed to carry children (CGS § 14-227n).

Table 4: General DUI Penalties

Conviction	Prison Sentence	Fine	License Suspension
First	Either (1) up to six months with a mandatory minimum of two days or (2) up to six months suspended with probation requiring 100 hours of community service	\$500-\$1,000	45 days, followed by one year driving only a vehicle equipped with an ignition interlock
Second	Up to two years, with a mandatory minimum of 120 consecutive days and probation with 100 hours community service	\$1,000-\$4,000	45 days, followed by three years of driving only a vehicle equipped with an ignition interlock, with operation for the first year limited to travel to or from work, school, a treatment program, an ignition interlock service center, or a probation appointment
Third and Subsequent	Up to three years, with mandatory minimum of one year and probation with 100 hours community service	\$2,000-\$8,000	License revoked, but the offender is eligible for reinstatement after two years (If reinstated, he or she must drive only interlock-equipped vehicles, except that the DMV commissioner may lift this requirement after 15 years)

License suspension for conviction of a criminal DUI charge is in addition to any previously imposed administrative license suspension under the implied consent law. In addition to these penalties, the court can order a driver to participate in an alcohol education and treatment program (CGS § 14- 227a (j)).

DRE 12-Step Drug Influence Evaluation

The twelve steps of a drug influence evaluation conducted by a DRE are:

1. breath alcohol test, to determine BAC;
2. interview of the arresting officer, to determine what he or she saw or heard that could indicate drug use;
3. preliminary examination, to determine whether to continue the

- evaluation;
4. eye examination for evidence of involuntary eye jerking and other effects;
 5. divided attention tests, such as finger-to-nose tests and one leg stands;
 6. vital sign examinations;
 7. dark room examinations, for changes in the pupils with changes in light;
 8. muscle tone examination, to see if muscles are markedly tense or flaccid;
 9. examination for injection sites;
 10. interview of the subject and logging other observations;
 11. recording the evaluator's opinion, based on the above tests; and
 12. toxicological examination.

Admissibility of Evidence for Uninjured Drivers

By law, in order for chemical test results of an uninjured driver to be admissible in court the following criteria must have been met:

1. the driver consented to taking the test and had a reasonable chance to call a lawyer before taking it;
2. a copy of the test result was mailed or personally delivered to the defendant within 24 hours or at the end of the next business day after the results are known, whichever is later;
3. a police officer administered the test, or had it done at his or her direction, using methods and equipment approved by DESPP and according to DESPP regulations;
4. the test equipment was checked for accuracy according to DESPP

regulations;

5. generally, a second test of the same type was administered at least 10 minutes after the first test (unless the second test is to detect drugs, in which case it can be a different type and does not have to be administered within that timeframe); and
6. the test began within two hours after operation (CGS § 14-227a(b)).

IID Penalties

IIDs are installed in motor vehicles to prevent people from driving under the influence of alcohol. They require the driver to breathe into them to operate the vehicle. If the device detects a BAC above a certain threshold, it prevents the vehicle from starting. IIDs also require the driver to submit periodic breath samples while driving. Offenders must pay DMV a \$100 fee before the device is installed; DMV uses this money to administer the interlock program. Offenders also must pay the costs of installing and maintaining the devices (CGS § 14-227a(i)).

Boating Under the Influence Penalties

Table 5 shows the law's penalties for boating under the influence. A subsequent conviction is one that occurs within 10 years after a prior conviction for the same offense (CGS § 15-133(h)).

Table 5: Boating Under the Influence Penalties

<i>Offense</i>	<i>Fine</i>	<i>Prison/Community Service</i>	<i>Suspension</i>
First	\$500-\$1,000	(1) Up to six months, with a mandatory minimum of 48 consecutive hours and (2) probation and 100 hours community service	One year
Second	\$1,000-\$4,000	(1) Up to two years, with a mandatory minimum of 120 consecutive days and (2) probation and 100 hours community service	Three years, or until age 21, whichever is longer
Third	\$2,000-\$8,000	(1) Up to three years, with a mandatory minimum of	Permanent

		one year and (2) probation and 100 hours community service	revocation
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Related Bill

sSB 888, favorably reported by the Judiciary Committee, addresses many of the same areas such as legalizing adult use and possession of cannabis, creating licensure and oversight for commercial cannabis businesses, and creating a process to erase records of certain cannabis convictions.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 9 Nay 4 (03/25/2021)